



FEDERAL REPUBLIC OF NIGERIA

NATIONAL MIGRATION POLICY 2015

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FEDERAL REPUBLIC OF NIGERIA

NATIONAL MIGRATION POLICY 2015

Adopted 13 May 2015

Revised by

Professor Aderanti Adepaju
Network of Migration Research on Africa (NOMRA)

FOREWORD

During the United Nations High Level Dialogue on Migration and Development, which took place in New York from 14 to 19 September 2006, the then Secretary-General of the United Nations, Kofi Annan, remarked in his opening address that nearly 200 million people were living outside their countries of birth, and he called for urgent solutions to the plight of migrants, as well as for recognition of their contributions to the world economy. Indeed, migration has always attracted global attention, with a special focus on its linkages to socioeconomic development. In fact, as early as 2001, the African Union (AU) adopted Resolution CM/Dec 614 (LXXIV) at the Council of Ministers' meeting in Lusaka, calling on Member States to ensure the integration of migration into the national and regional agenda for security, stability, development and cooperation. Increasingly, calls were made at various international meetings for mechanisms to protect the human rights of migrants and to discourage irregular forms of migration, through various strategies, including increased access to jobs and basic social services for all in more developed nations. Nigerian stakeholders in migration continued to raise the alarm at the increasing frequency with which Nigerian youths were losing life and limb in a bid to gain entry into Europe through the deserts of North Africa and across seas and oceans.

The Federal Government of Nigeria directed that an Inter-ministerial Committee on the Development of a National Policy on Migration be inaugurated to draft a comprehensive, home-grown policy that would address the multifaceted issues of migration, and create a win-win situation for migrants and countries of origin, transit and destination. The Committee started work in earnest on 14 February 2006, with a grant



from the IOM and with additional financial and material resources from the Federal Government.

Membership of the Committee was drawn from about 18 government agencies, ministries and organizations, which conducted extensive research in their areas of competence. As a result, the policy presents an in-depth study of the various themes of migration and makes recommendations that cover a wide range of issues, such as the definition of migration, the objectives of the policy, remittances, migration and cross-cutting social issues, border management, national security, irregular movement, human rights of migrants, and organized labour migration.

In addition to the thematic research carried out by the Committee, the policies of certain countries and regional organizations such as the AU and EU were examined. The first National Conference on Migration was held on 4 April 2007, during which the draft policy was subjected to the scrutiny of stakeholders from the federal government, state governments, non-governmental organizations, civil society, humanitarian agencies, donor nations, governments of destination countries, religious bodies and the public at large. Extensive recommendations were made at the conference, at the end of which the draft policy was widely endorsed as representative of the views of the vast majority of those present, thus increasing its chances of national acceptability. A recommendation was also made for the immediate identification/establishment of a focal agency for the coordination of all themes of migration and for the implementation of the contents of the policy.

In 2008, when he was still the Vice President, Dr. Goodluck Ebele Jonathan (GCFR) directed the Secretary to the Government of the Federation (SGF) to establish a committee to investigate setting up a structure to implement migration and internally displaced persons (IDPs) policies. The Committee submitted its recommendations to the SGF in January 2009. In February of the same year, then-President Umaru Musa Yar'adua, approved one of the recommendations for the expansion of the mandate and a change in

the nomenclature of the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) to include migration management and the resettlement and rehabilitation of IDPs. As a necessary follow-up, the NCFRMI, in concert with relevant stakeholders and the office of the Attorney General of the Federation, drew up a draft bill and submitted the original draft Migration Policy for necessary approval. The Policy was presented to the Federal Executive Council (FEC), which directed that it be reviewed and re-presented for reconsideration with the NCFRMI Amendment Bill and the Internally Displaced Persons Policy.

Meanwhile, membership of the technical working group (TWG) – constituted earlier for the purpose of reviewing the IDP policy – was expanded to accommodate migration experts, who worked assiduously to produce the draft migration policy.

The gratitude of the Federal Government of Nigeria goes to the IOM, for its generous financial and technical support to the Committee. There is no doubt that the National Policy on Migration, when fully operational, will reduce the incidence of irregular migration and provide a mechanism for the protection and monitoring of the well-being of Nigerians abroad as well as foreign migrants within Nigeria. In addition, the Policy will enhance the development of more efficient, effective and cheaper means of sending remittances and foreign direct investment by Nigerians in the diaspora, thus ensuring that remittances become one of the top three sources of foreign exchange.

Through the implementation of this Policy, the Government of Nigeria will provide a solid mechanism to match the supply of labour with demand in a safe, humane, legal and orderly manner, so as to enhance the economic, social and human development of the country. It is my desire that all federal, state and local stakeholders in the field of migration, the media, the general public as well as non-governmental and international actors would disseminate the contents of the Policy in order to maximize the

benefits of migration to Nigerians, and ensure that the human rights of all migrants within and outside Nigeria are protected.

Kabiru Tanimu Turaki SAN, FCI Arb

Honourable Minister

Ministry of Special Duties and Inter-Governmental Affairs

Abuja, May 2015

ACKNOWLEDGEMENT

The elaboration of this policy document would not have been possible without the support, cooperation and contributions of ministries, departments and agencies of government (MDAs), development partners, civil society groups and other relevant stakeholders in the field of migration and development.

Our profound gratitude goes to the Secretary to the Government of the Federation, Senator Anyim Pius Anyim, and the Minister of Special Duties and Intergovernmental Affairs, Kabiru Tanimu Turaki (SAN), in leading the advocacy for a proper framework for coordinating migration and development-related issues in Nigeria.

We hereby acknowledge the first Presidential Committee chaired by the then-Special Assistant to the President on Humanitarian Affairs for articulating the first home-grown National Migration Policy draft which formed the basis for further elaboration and review.

In a very special way, we appreciate the immense support of the European Union within the framework of the 10th European Development Fund for supporting this project implemented by the International Organization for Migration (IOM) in partnership and in collaboration with the MDAs. Our gratitude also goes to the entire IOM team for the technical assistance and expertise in revising the initial draft of the National Migration Policy. We would also like to acknowledge the support of other international partners, including the Intra-ACP Migration Facility, UNHCR, UNIDO, UNFPA, ICPMMPD, Swiss Embassy and many others for their advisory roles in ensuring that the quality of this policy document accords with international standards and best practice.

We acknowledge the contribution of Professor Aderanti Adepoju and the NOMRA team for their thorough and professional review of the initial policy draft; it is worthy to note that Prof. Adepoju's research works relating to migration provided some of the background information needed to draft this policy.

Finally, we wish to commend the members of the Technical Working Group on Migration and Development for their tireless and collaborative effort that has resulted in the finalization of this policy document. We thank you all for your invaluable support.

Hadiza Sani Kangiwa

Honourable Federal Commissioner

National Commission for Refugees, Migrants and Internally
Displaced Persons

Abuja, May 2015

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ABBREVIATIONS AND ACRONYMS

ACP	African, Caribbean and Pacific group of countries
AU	African Union
AVRR	Assisted voluntary return and reintegration
CBN	Central Bank of Nigeria
CSO	Civil society organization
ECOWAS	Economic Community of West African States
EU	European Union
FEC	Federal Executive Council
FMLP	Federal Ministry of Labour and Productivity
FMPRE	Free Movement of Persons, Residence and Establishment
GFMD	Global Forum on Migration and Development
ICPD	International Conference on Population and Development
ICT	Information and communication technology
IDP	Internally displaced person
ILO	International Labour Organization
IOM	International Organization for Migration
IPCR	Institute for Peace and Conflict Resolution
MDA	Ministries, departments and agencies
MIDWA	Migration Dialogue for West Africa
MoFA	Ministry of Foreign Affairs
MoU	Memorandum of understanding
MTO	Money transfer organization
NAPTIP	National Agency for the Prohibition of Traffic in Persons
NCC	National Consultative Committee
NCFRMI	National Commission for Refugees, Migrants and Internally Displaced Persons
NDLEA	National Drug Law Enforcement Agency

NEPAD	New Partnership for Africa's Development
NGO	Non-governmental organization
NIA	National Intelligence Agency
NIS	Nigeria Immigration Service
NNVS	Nigerian National Volunteer Service
NOMRA	Network of Migration Research on Africa
NPF	Nigeria Police Force
NPopC	National Population Commission
OAU	Organization of African Unity
ODA	Overseas Development Assistance
PLWD	Persons living with disabilities
SGF	Secretary to the Government of the Federation
SMEDAN	Small and Medium Enterprises Development Agency
SSS	State Security Service
TWG	Technical working group
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
WHO	World Health Organization

MEMBERS OF THE INTERMINISTERIAL COMMITTEE TO PREPARE A NATIONAL POLICY ON MIGRATION

Organization	Position
Office of the Special Assistant to the President: Migration and Humanitarian Affairs	Chairperson
Office of the Special Assistant to the President: Human Trafficking and Child Labour	Member
Office of the Special Assistant to the President: Nigerians in the Diaspora	Member
Nigeria Immigration Service	Member
Nigeria National Volunteer Service	Member
Nigeria National Volunteer Service	Member
National Agency for the Prohibition of Trafficking in Persons and Other Related Matters	Member
Ministry of Labour	Member
Ministry of Youth Development	Member
Office of the Secretary to the Government of the Federation	Member
National Population Commission	Member
Office of the Special Assistant to the President: Migration and Humanitarian Affairs	Member
Ministry of Foreign Affairs	Member
Ministry of Foreign Affairs	Member
National Planning Commission	Member
Ministry of Education	Member
Ministry of Health	Member

Organization	Position
Central Bank of Nigeria	Member
Ministry of Finance	Member
Ministry of Justice	Member
National Human Rights Commission	Member

MEMBERS OF THE SUB-TECHNICAL WORKING GROUP ON REVIEW OF THE POLICY

National Commission for Refugees, Migrants and Internally Displaced Persons	Chairperson
National Commission for Refugees, Migrants and Internally Displaced Persons	Secretariat
Ministry of Special Duties and Inter-governmental Affairs	Member
National Planning Commission	Member
Ministry of Foreign Affairs	Member
Ministry of Interior	Member
Central Bank of Nigeria	Member
Federal Ministry of Justice	Member
Federal Ministry of Labour and Productivity	Member
Federal Ministry of Women Affairs and Social Development	Member
Federal Ministry of Youth Development	Member
Federal Ministry of Information	Member
Federal Ministry of Health	Member
Federal Ministry of Education	Member
National Population Commission	Member
National Bureau of Statistics	Member
National Human Rights Commission	Member
National Agency for the Prohibition of Traffic in Persons	Member
Nigeria Immigration Service	Member
Nigeria Police Force	Member
Nigeria Security and Civil Defence Corps	Member

Nigeria National Volunteer Service	Member
Nigeria Labour Congress	Member
Community Partners for Development	Member
National Association of Nigerian Traders	Member
Civil Society Legislative Advocacy Centre	Member
Policy Consult	Member
Action Aid	Member
European Union	Observer
Economic Community for West African States	Observer
Embassy of Switzerland	Observer
International Organization for Migration	Observer
United Nations High Commissioner for Refugees	Observer
International Labour Organization	Observer
Intra-ACP Migration Facility (Nigeria and Senegal)	Observer

PREAMBLE

The Federal Government of Nigeria,

Recalling that Section 14 (2)(B) Chapter II of the 1999 Constitution of the Federal Republic of Nigeria provides that the security and welfare of the people shall be the primary purpose of the Government;

Further recalling the AU Decisions adopted in Banjul in 2006, EX.CL/Dec.304 (IX), which adopted the Migration Policy Framework for Africa as a basic guideline and reference document for all Member States and Regional Economic Communities to utilize as a basis for developing their National and Regional Policy Frameworks;

Accepting the recommendations on legal, economic, political, social and administrative aspects of African migration stated during a Seminar of Intra-African Migration and adopted during the Nineteenth Session of the Organization of African Unity (OAU) Council of Ministers and Assembly of Heads of State and Government in 1996;

Recognizing the need to design and implement employment policies that permit the free movement of people as adopted by the Abuja Treaty of June 1991;

Further recognizing the importance of migration and its consequences, especially for the promotion of regional integration and economic cooperation in Africa;

Concerned about the lack of effective structures and legislative instruments to protect the human rights of migrants and to promote job opportunities through labour migration;

Acknowledging that the globalization process will continue to influence migration through the regulation and facilitation of movement of people across the world;

Determined to overcome the challenges with regard to irregular migration, human trafficking, migrant smuggling, brain drain and related issues;

Desirous of creating an environment conducive to the full and unhindered participation of migrants in the Diaspora in the development of Nigeria in line with the decisions of the OAU (AU) Council of Ministers during its Seventy-fourth Ordinary Session in Lusaka, July 2001, and the Rabat Plan of Action, July 2006, the AU Tripoli Declaration of 2006 and the conclusions of the Global Forum on Migration and Development (GFMD) in Athens, November 2009, and Puerto Vallarta, November 2010; and

Committed to effectively managing migration and ensuring that it provides a springboard for social, economic and political development, **hereby adopts this National Policy on Migration.**

1. PRINCIPLES AND ASSUMPTIONS

The guiding principles for an effective migration policy are channelled towards the advancement and protection of the human rights of Nigerian migrants, such as migrant workers, within and outside Nigeria. This policy recognizes and appropriately incorporates these guiding principles. The principles of the NMP are proposed to guide policy obligations and their implementation. These principles are channelled towards the effective administration and management of migration for socioeconomic development in Nigeria. This policy recognizes the challenges of migration in Nigeria but focuses more on the opportunities and its benefits for national development.

1.1 Principles

The National Migration Policy (NMP) is guided by a number of principles, which include but are not limited to the following:

The principles comply with the adoption and ratification of national, subregional, regional and international standards and conventions, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and the Palermo Protocol, for the protection of migrants' rights against exploitative labour, human trafficking and smuggling, discrimination, and other malpractices that could arise from migration.

In particular, a major priority of the Policy is the free movement of nationals, as enshrined in the 1999 Constitution, which states in section 15(3), Chapter II, that the State shall “provide

adequate facilities for and encourage free mobility of people, goods and services throughout the Federation”.¹

The policy also acknowledges the framework of the revised Economic Community of West African States (ECOWAS) Treaty, especially Article 59, as well as the Protocol on the Free Movement of Persons, Residence and Establishment (Protocol A/P.1/5/79 of 1979) and subsequent Supplementary Protocols of 1985, 1986, 1989 and 1990.²

The ECOWAS Common Approach on Migration, 2008, also guides the formulation of this policy, especially in terms of the promotion of intraregional mobility, supporting immigration and emigration with appropriate institutions at departure and receiving areas within the region; optimizing regular migration to countries outside the ECOWAS region, seeking effective ways of managing migration and controlling irregular migration, as well as protecting the rights of migrants, refugees and asylum-seekers at destination countries; and the inclusion of the gender dimension in migration policies.³

The framework for the development of this policy was additionally guided by the AU Strategic Framework on Migration and Development and the AU Common Position on Migration and Development, 2006, covering a number

1 Constitution of the Federal Republic of Nigeria, 1999.

2 1979 Protocol A/P.15/79 relating to Free Movement of Persons, Residence and Establishment (FMPRE).

1985 Supplementary Protocol A/SP.1/7/85 on the Code of Conduct for implementation of FMPRE protocol.

1986 Supplementary Protocol A/SP.1/7/86 on the Second Phase (Right of Residence).

1989 Supplementary Protocol A/SP.1/6/89 amending and complementing the provisions of Article 7 of FMPRE protocol.

1990 Supplementary Protocol A/SP.2/5/90 on the Implementation of the Third Phase (Right to Establishment).

3 ECOWAS Commission, *ECOWAS Common Approach on Migration*. Thirty-third Ordinary Session of the Head of State and Government, Ouagadougou, 18 January 2008.

of areas, including human resources, irregular migration, brain drain, remittances, trade, migration and peace, security and stability, migration and human rights, gender, regional initiatives and access to social services.⁴

1.2 Assumptions and risks

Efficient administration of migration assumes the effective and full participation and collaboration of all stakeholders, governmental and non-governmental organizations, diaspora communities and special agencies, from origin, transit and destination countries.

The Government of Nigeria presumes to commit itself actively to this migration policy framework in order to maximize the benefits of migration for both domestic and international development.

The Government undertakes to work together with all stakeholders, including civil society, to provide pertinent legislative and institutional frameworks and structures for their enforcement, to support this policy, in order to protect the human and social rights of Nigerian citizens at home and abroad.

This policy will address other cross-cutting challenges of migration, such as the human and environmental effects of migration. This involves considerations such as the enforcement of appropriate sanctions against exploitative and irregular migration of vulnerable groups (children, youth, women, unaccompanied minors and persons with disabilities), climate change, national and international security, education, health and so on. The policy should be forward-looking and adaptive to address newly-emerging migration challenges, trends, opportunities and dynamics at the national, regional and global levels.

⁴ African Union, *African Common Position on Migration and Development*. Executive Council, Ninth Ordinary Session, 25–29 June 2006, Banjul, The Gambia (EX.CL/277 (IX)).

2. NIGERIA: MIGRATION DYNAMICS, TRENDS AND PATTERNS (INTERNAL AND EXTERNAL)

2.1 Definition and causes of migration

Migration is a fundamental part of human nature. People move from one place to another for various reasons, including poverty, unemployment, famine, political and religious crises, natural disasters and so on. Essentially, migration is the process of temporary or permanent relocation of a person from his or her place of primary abode to another place, in search of better living, family reunification, further studies or other reasons.

This policy is focused on both international migration, which involves the movement of persons across international borders, and internal migration within Nigeria.

2.2 Migration realities within Nigeria

2.2.1 Internal migration

Internal migration is the movement of persons within the country, resulting in a long-term temporary or permanent stay away from the usual place of abode. Migration is not a homogeneous phenomenon in Nigeria. In general, internal population movement is an important component of mobility, considering the country's geographical size, vast population of over 156 million, and its ecological and resource diversity. Various types of internal migration – rural–rural, rural–urban, urban–urban and urban–

rural – feature in the migration space. Rapid population growth, pressure on arable land, land tenure system, declining productivity resulting in rural poverty, widespread underemployment and lack of access to social amenities, land and capital all stimulate migration away from rural areas to towns.

Comprehensive knowledge of trends in internal migration in the country remains limited. This situation is expected to improve with the publication and dissemination of the results of an internal migration survey conducted by the National Population Commission (NPopC) in 2010, a revision of the migration profiles of Nigeria and the release of the results of other studies commissioned by the African, Caribbean and Pacific (ACP) Observatory on Migration.

About 60 per cent of the population of Nigeria is classified as rural, and a large number of migrants originate from, and circulate within, the rural sector. While major internal migration takes place from rural to urban areas and within urban areas, some rural–rural migration by farmers, seasonal labourers and pastoralists from resource-poor to resource-rich rural areas, especially from the savannah zones to the fertile coastal areas, persists. Seasonal migration from the dry savannah zones in the north to coastal areas during periods of low agricultural activity has been and still remains a major form of rural–rural migration within Nigeria.

Some of the push factors prompting rural outmigration include poverty, poor agricultural yield, and lack of quality and affordable education and health care. The pull factors include opportunities for employment, access to higher and quality education, and better health-care services in urban areas. With the creation of 12 states from the existing four regions in the mid-1960s, additional core areas of development sprung up over the course of time. This number increased further when the 19-state structure was established, thereby expanding the potential destinations of migrants. By the time 36 states had been created, alongside 774 local government areas, and the federal capital shifted to Abuja, primary and core areas of development were emerging, along with the expansion of

centres of administration, and of employment for officials, artisans and their families. One immediate result was investment in infrastructural development, especially in housing and road construction, which also attracted – first in trickles and later in droves – traders, artisans, professionals, skilled and unskilled workers and their families from rural and semi-urban areas.

Economic opportunities in the cities attracted many traders and migrants from rural areas, looking for jobs or other means of earning a livelihood. In general, most migrants from rural to urban areas are young, educated males – and, increasingly, females – in search of employment and educational opportunities in towns. Many of these towns, however, do not have the capacity to generate ample employment opportunities and social amenities for their rapidly growing populations. Congestion, inadequate housing and growing slums are manifestations of inadequate planning and infrastructural deficiency in these rapidly growing towns and cities.

Migration between urban areas, especially from towns and smaller cities – including some state capitals – to Lagos derives from its metropolitan status with associated employment and other opportunities, social amenities and recreational facilities. A former federal capital, it is the major seaport and airport, the dominant financial and economic centre for education and an economic free zone. As Lagos absorbs a disproportionate share of development projects in the country, it has concomitantly attracted – and continues to pull – major migration streams. Today, about 10 per cent of the country's population lives in metropolitan Lagos. For so long, the three major development zones in the country – Lagos-Ikeja-Ibadan in the south-west, Kaduna-Kano-Zaria in the north, and Aba-Enugu-Port-Harcourt in the east – dominated commerce, industry and communication and between them accounted for about three-quarters of wage employment in the country in the early 1970s.

Despite the major movement to urban areas, some migration from towns to villages does occur, mainly to avoid city congestion or overcrowding, intractable sanitation problems, traffic, escalating urban unemployment, acute housing problems, ethnic and religious conflicts, increased crime rate and other social vices. Other such movements may be responding to transfers from place of work, or simply movement back home on retirement.

2.2.2 Internally displaced persons

Internal displacement is an important aspect of internal migration which occurs when people are forced or compelled to leave their homes due to environmental factors, conflicts, wars, ethnic strife or natural disasters. Environmentally induced migration can be categorized into regular and irregular forms. Irregular migration is usually caused by periodic environmental hazards. Regular or seasonal migration occurs because of predictable rhythms in physical systems – for example the severe droughts that occurred in northern Nigeria in the early 1970s and the early 1980s. Thousands of farmers and pastoralists were forced to move south during this period.

In Nigeria, internal displacement of populations is caused largely by ethnic and religious conflicts, environmental disasters (flooding and erosion, desert encroachment), civil strife, boundary and land disputes, and, inadvertently, government policies (such as the construction of dams, commercial plantations and oil exploration). The NCFRMI recorded 1,871,000 IDPs in the country in 2007, a figure that has increased substantially to over 2 million in 2013 in the wake of incessant conflicts and natural disasters in various parts of the country.

It has to be emphasized that internal migration is often the first step in a process of chain migration, whereby people gradually travel farther from their homes. Migration is often used as a poverty reduction strategy; hence, migrants who hope to escape rural poverty may migrate to urban

areas as a step to moving to other countries in search of the illusory Golden Fleece.

2.3 International migration

The quality and quantity of data on migration from and into Nigeria is patchy. Estimates of migration flows based on information provided by border control posts are generally inadequate. Border regulations can be circumvented and Nigeria's extensive and porous land borders make effective policing against clandestine cross-border migration very difficult. Nigeria does not regularly publish data collected by immigration officials at seaports, airports and border posts.

Nigeria is a country of origin, transit and destination for diverse migratory configurations, both internal and international: seasonal labour migration, undocumented or irregular migration, internal displacements, human trafficking, female migration and migration of skilled professionals and students. However, there is a general lack of current information on both stock and flow of migrants within and outside the country.

2.3.1 Immigration into Nigeria

As the colonial powers paid little regard to the socioeconomic realities of Africa, many ethnic groups were split by arbitrary lines into different, adjacent countries; this is the case of the Yoruba in Nigeria and Benin and the Hausa-Fulani of Nigeria and Niger. These ethnic groups regarded movements across such borders as simply an extension of internal migration, in line with long-standing ethnic solidarity. This movement across borders was facilitated by cultural affinity, especially where immigrants spoke the same language and shared the same customs as the indigenous population of the host country. A great deal of this migration is undocumented and facilitated by long, unpoliced borders.

Between 1970 and 1980, Nigeria's economy was influenced by the oil boom and attracted large numbers of migrants from other West African

countries, estimated at around 2.5 million people. The majority of these migrants were Ghanaians who left their country as it lurched towards economic collapse. Others came from Mali, Niger, and Chad – seeking escape from drought, famine and poverty in the Sahel – and from the neighbouring countries of Benin and Togo.

In the early 1980s, economic contraction in the wake of a slump in world oil prices focused attention on migrants' presence. Early in 1983, the Government announced that all illegal immigrants should leave Nigeria. Estimates vary, but up to 2 million people were thought to have been forced to leave, of whom about half were Ghanaians. This was followed by another expulsion carried out in 1985, involving about 250,000 people.

Economic growth since 2000 has transformed Nigeria into an important destination country for many migrants in West Africa. Currently, the country hosts over a million migrants, mostly from neighbouring countries, with Ghanaians probably still comprising the biggest community. In 2010, the official immigration stock of 1,128,000 in Nigeria constituted 0.7 per cent of the estimated population of 158 million – down from 0.8 per cent in 2000. Immigrants from West African countries constituted 75.8 per cent of all immigrants in Nigeria in 2000.

2.3.2 Emigration from Nigeria

Major emigration trends from the country could be traced historically to the slave trade period, when many able-bodied men and women were forcefully transported abroad to work in plantations in Caribbean islands and the United States. After independence, governments at both state and federal levels adopted deliberate policies of sending some Nigerians abroad for educational purposes, as part of a human development plan to provide the skilled workers required for national development, and to replace departing expatriates. Some of these stayed behind after their training and were gainfully employed in Europe and the United States. However, current trends in migration are motivated by other factors, the main ones being growing unemployment in the home country, attractive

salaries abroad – especially in Europe and the United States – the need of rich countries to replenish their ageing workforce through immigration, pursuit of higher education abroad and the activities of traffickers and migrant smugglers.

Estimates of Nigerians living in developed countries abroad are more available in destination countries than in Nigeria. However, figures from these sources often underestimate the total stock of immigrants from Nigeria, as is the case of other nationals resident abroad, principally because an unknown number resides in destination countries in an irregular situation. Nevertheless, Nigerians are widely dispersed in many countries of the world. While Nigerians are to be found living and working in large numbers in Europe and North America, by far the largest concentration of Nigerians is in sub-Saharan Africa, where an estimated 3 million or more – out of a total of about 6 million – emigrants live mostly in West African countries.

Until the 1970s, movement from Nigeria to countries outside the West African region consisted mainly of migration to the United Kingdom and the United States in search of education and employment opportunities, with the ultimate goal of returning to Nigeria. Only a few Nigerians settled permanently in the United Kingdom or the United States during the first half of the twentieth century. By around 1970, however, growing demand for labour in developed countries as a result of economic expansion and declining population growth favoured the immigration of Nigerians with skills and education, and their immediate families.

Nigerian emigration began to climb in the early 1970s. The 1970s oil boom in the country led to additional students going to the United States and the United Kingdom on student or other temporary visas. Until the early 1980s, few Nigerian professionals saw emigration as a rewarding option because local working conditions were attractive and internationally competitive. However, when economic and political conditions began to decline in the 1980s, many of those already outside the country changed their status to that of permanent resident, in order to avoid having to

return to Nigeria. Many others began leaving Nigeria to escape conditions there. It was estimated that tens of thousands of professional people and technicians emigrated from Nigeria to the United Kingdom, the United States and Canada, in particular between 1987 and 1989.⁵ Widespread unemployment and inadequate openings for admission into Nigeria's tertiary educational institutions were the deciding factors for a large proportion of those making visa applications.

This migration of students, professionals and entrepreneurs to English-speaking countries has continued until today, but there was a diversification of extra-continental migration during the 1990s as an increasing number of Nigerians migrated to countries such as Germany, France, the Netherlands and Belgium, as well as to the Gulf states. In the 1990s, Spain, Italy and Ireland emerged as new major destinations of labour migrants from Nigeria. Faced with a biting economic crunch and political uncertainties, migrants, both skilled and unskilled, ventured into other countries within and outside Africa. Youths also engaged in clandestine movements involving risky passage through various transit points. Particularly, the emigration of youths in daring and evasive ways has become more evident in the last two decades. During that period, Nigerian emigrants to other ECOWAS countries constituted 20.7 per cent of all estimated emigrants.

In all, emigration of Nigerians is essentially intraregional: about two thirds (62.3%) of Nigerians emigrated to other African countries, 18 per cent to Europe, 14.8 per cent to North America and 4.8 per cent to other countries in 2000–2002.⁶ After becoming a primarily emigration country in the 1980s and 1990s, Nigeria today is concurrently a country of origin, transit and destination in West Africa, and indeed in Africa as a whole.

5 Adepoju, A. and A. van der Wiel. *Seeking Greener Pastures Abroad: A Migration Profile of Nigeria* (Ibadan, Safari Publishers, 2010).

6 UNDP. *HDR 2009 Statistical Tables, Table B: International emigrants by area of residence* (2009). Available from <http://hdr.undp.org/en/reports/global/hdr2009/>.

Migrants constitute a significant proportion of the Nigerian diaspora (in addition to those born in foreign countries) who contribute to the development of the economies of their countries of origin and destination. The importance of remittances by the diaspora as a vital source of income has compelled countries to collaborate with their citizens abroad to find ways of managing their surplus savings by way of investments or deposits in banks located in the countries of origin, especially those with corresponding overseas partners or branches. For many developing countries, remittances are a larger source of income than overseas development assistance (ODA). While remittance flows into Nigeria are increasing (see Section 3.2.2 below), there is no effective policy to promote their use for national development, aside from the normal consumption behaviour of remittances in recipient households. Most of these remittances enter the country through informal ways and therefore total remittances are underestimated.

There is, however, a dark side to migration dynamics. Faced with increasingly strict immigration control measures, a growing number of young Nigerians have adopted more sophisticated, high-risk, daring and evasive methods to enter Europe clandestinely. The journey is often tortuous, using various modes of transportation. Migrants manoeuvre their way in precarious conditions through bush paths, deserts and creeks to avoid authorities and checkpoints. In the process, they face double jeopardy: they risk or even lose their lives through dehydration during the long trek across the Sahara desert, or through shipwreck when crossing the sea via the Strait of Sicily, the Strait of Gibraltar or the Canary Islands. An estimated 10,000 irregular migrants die annually in that process.

Those who enter Europe in regular situations but overstay their visas are said to be working in the “underground” economy, which is characterized by unstable jobs and low pay. Pegged to dirty, demeaning and dangerous jobs, they are vulnerable and exploited and cannot unionize for fear of being apprehended and deported. They are torn between the humiliation of repatriation and the trauma of botched attempts at migration, having lost all their savings and taken out loans. This is a great loss of human

resource – of youths at the prime of their productive life, a potential engine of growth and development, merely wasting away in foreign lands, struggling endlessly but unsuccessfully to enter European countries in irregular situations.

Some fortune-seekers engage in illicit activities and fall prey to traffickers' rackets in their desperate search for survival. Many now languish in jail in destination countries, serving various terms for irregular entry without proper documentation, as well as for other crimes, including drug trafficking. But perhaps the most criminal aspect is the trafficking of women and children. It is estimated that about 45,000 Nigerian women became victims of trafficking between 1995 and 2010. Traffickers offer young women a passage to Europe, usually luring them with promises of good jobs – which all too often end in prostitution.⁷

At various international meetings, including the GFMD and the UN High Level Dialogue on Migration and Development, and during negotiations for bilateral and multilateral agreements on the repatriation of persons, the importance of respect for the human rights of migrants was emphasized. Furthermore, during these meetings, the international community has consistently called for the non-criminalization of irregular migration, as well as a more consistent and coordinated manner of controlling national borders. Nigeria recognizes that migration as a cross-cutting issue is impacted by, and in turn affects education, health, security, demographic dynamics, national planning and development, human development, organized labour, direct foreign investment, foreign relations, law and order, agriculture and food security, and other sectoral themes.

These – the pool of highly-skilled professionals in the diaspora and the huge remittance flow into the country on the one hand, and the thousands of irregular migrants who unnecessarily put their lives on the line in desperate attempts to enter Europe, on the other – and other developments at the subregional, regional and global levels have led the

7 See Adepoju and van der Wiel, 2010.

Federal Government to develop this comprehensive policy framework to guide all stakeholders in migration management and to serve as a reference document for migration administration in the country.

2.4 National frameworks of cooperation (Migration against the backdrop of migration frameworks)

The issue of migration has become more topical in recent times. Several significant events at international, regional, interregional (African and Caribbean, and EU-African), and subregional levels point to this. On the international scene, for the first time, the International Conference on Population and Development (ICPD), held in Cairo in 1994, featured a detailed chapter on migration and, along with the ICPD Programme of Action, drew attention to the interrelations between migration and development at the global level. Other major developments and activities are the Report of the Global Commission for International Migration (2005); the UN High-Level Dialogue on Migration and Development (2006) and the GFMD in Brussels (2007), Manila (2008), Athens (2009), Mexico (2010), Geneva (2011) and Mauritius (2012).

Dialogues at the EU-African level are, among others, the Euro-African Conference on Migration and Development (2006), the Joint Africa-EU Declaration on Migration and Development (2006), the Follow-Up Meeting of the Rabat Process (2007) in Madrid, and the EU-African Summit in Lisbon (2008).

Notable among the events at the regional African level are the AU's Strategic Framework for a Policy on Migration (2004) and the AU Common Position on Migration and Development (2006) and, at the subregional level, the ECOWAS Common Approach on Migration (2008). Significantly, the adoption by African heads of state of the AU's Migration Policy Framework for Africa in Banjul in 2006 provides a comprehensive and

integrated policy guideline for AU Member States for the preparation and adoption of national and regional migration policies.

The components of the ECOWAS Common Approach on Migration are: better implementation of the Protocol on the Free Movement of Persons, the Right of Residence and Establishment; combating human trafficking and providing humanitarian assistance; harmonizing policies and bilateral agreements with third countries; promoting the adoption of migration policies by ECOWAS Member States, together with harmonized migration management and sector development policies; protection of the rights of migrants, asylum-seekers and refugees; ensuring the implementation of the Protocol on Free Movement of Persons within the ECOWAS zone and the International Convention on the Rights of Migrants and their Families; and recognizing the gender dimension of migration. Given the increasing role of female migrants, providing gender disaggregated data on the profiles of migrants and ensuring the inclusion of gender dimensions in migration policies have become pertinent issues.

The 1981 African Charter on Human and Peoples' Rights affirms that every individual has the right to equal protection under the law, and prohibits the mass expulsion of non-nationals. This comprehensive legal framework for the protection of the human rights and freedom of migrants has been complemented by other conventions, including the (then) OAU Convention Governing Specific Aspects of Refugee Problems in Africa of 1969; the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which highlighted the specificity of the refugee situation in the region; the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention, 2009), which, for the first time, comprehensively addressed regional agreement on internal displacement, and, importantly, the African Charter on the Rights and Welfare of the Child, 1990.

Nigeria has ratified a series of pertinent conventions and treaties, including the 1984 Convention against Torture and Other Inhuman, Cruel, Degrading Treatment or Punishment (ratified on 28 June 2001);

the 1981 African (Banjul) Charter on Human and Peoples' Right (22 June 1983); the 1990 African Charter on the Rights and Welfare of the Child (23 July 2001); the 2000 UN Convention against Transnational Organized Crime (28 June 2001); the 2000 Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the UN Convention against Transnational Organized Crime (27 September 2001); the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1 November 1989). The 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, was ratified on 28 June 2001. In addition Nigeria has ratified all eight core conventions of the International Labour Organization (ILO), especially noting the Convention 97 on Migration for Employment.

Nigeria is an active member of ECOWAS. Freedom of movement is enshrined in the ECOWAS Protocol, of 29 May 1979, on the Free Movement of Persons, the Right of Residence and Establishment. This protocol allows ECOWAS citizens: (a) to enter any ECOWAS state without a visa; (b) to reside in any ECOWAS member state for up to 90 days without a visa; and (c) to apply, after 90 days, for a permanent residence permit which allows them to start businesses, seek employment and invest. An ECOWAS passport was established in 2000. So far, only the first phase – abolishing visa requirements if the stay does not exceed 90 days – has been achieved. The right of residence, the aim of the second phase, and the right of establishment foreseen under the third and last phase have not yet been implemented.

Partly as a result of these developments, the past decade has also recorded an increased tempo in the formulation of national migration and sectoral policies in African countries, to provide an operational framework and coordinating mechanism for migration management. In spite of these developments, Nigeria does not yet have a national strategic framework on migration to drive the debate on migration within and outside the country. This policy on migration is therefore timely, comprehensive and addresses the key issues of migrants' rights and their contribution to

development, based on existing national legal and policy frameworks in the country (see below).

The Federal Government of Nigeria vests responsibility for the coordination of the national policy on migration in the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI), in collaboration with all the MDAs involved in migration and development programmes in Nigeria, in the implementation of this Policy. The inter-ministerial steering committee or TWG will play an active role in implementing this policy to address specific thematic issues in migration (see attached Action Plan Attached). At the four-day national training on “Migration Policy Development and Management in Nigeria” for officials of MDAs held in Abuja on 12–15 November 2012, participants presented their suggestions on issues surrounding the status of the draft national policy on migration. The resulting key recommendations relate to the following: the need for a greater visibility and autonomy of NCFRMI, for instance through direct reporting to the Office of the President or Vice President; the appointment of a chief executive officer for NCFRMI who is an authority on migration matters; and strengthening NCFRMI as an institution and increasing the capacity of its officials.

Existing legal and policy frameworks in Nigeria

Immigration laws

The law regulating immigration issues in Nigeria is the Immigration Act of 1963. Other subsidiary legislations are the Immigration Regulations of 1963; the Immigration (Control of Aliens) Regulations of 1963, and the Passport (Miscellaneous Provisions) Act of 1990.

Protection of migrants

Nigeria has ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which came into force in 2003. The adoption of national legislation in this field is one

of the recommendations expressed in the ECOWAS Common Approach on Migration and in the AU's meetings.

Laws against trafficking in human beings and migrant smuggling

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Palermo Protocol) has been incorporated into Nigerian national legislation through the Trafficking in Persons (Prohibition) Law, Enforcement and Administration Act of 14 July 2003. Amendments to the Act, promulgated on 7 December 2005, extended the powers of the National Agency for the Prohibition of Traffic in Persons (NAPTIP) to cover internal trafficking and exploitative child domestic labour, and provided for the forfeiture of the assets and proceeds of crime of convicted traffickers. A Victims Trust Fund was also created, through which forfeited assets are collected for the rehabilitation and restitution of victims.

Child labour law/child rights/child trafficking

The Child Rights Act of 2003 is a comprehensive document of 278 sections, providing in particular for the prohibition of the worst forms of child labour, child marriage, the exploitation of children for begging, their recruitment into the Armed Forces, and child trafficking. Section 274 states that the provisions of the Act supersede all other laws. However, the Child Rights Act has not come into force in all states – with northern states reportedly having difficulties domesticating it – thus making the provisions of the Act not applicable in all Nigerian courts.

The Labour Act of 1974/ 2004

The Labour Act of 1974, now Labour Act CAP L1, LFN, 2004, prohibits the employment of children under the age of 15 in commerce and industry, and restricts labour performed by children to home-based agricultural or domestic work. The Act prohibits forced labour and stipulates that children may not be employed in agricultural or domestic work for more than eight

hours per day, and that children under age 12 cannot be required to lift or carry loads that are likely to harm their physical development. The Act regulates the recruitment of persons within and outside Nigeria, and the movement of persons for employment within and outside Nigeria. It also provides for the protection of all persons in employment.

3. RATIONALE FOR THE NATIONAL POLICY ON MIGRATION

3.1 The need for and purpose of a Nigerian national policy on migration

Policy goal

The Federal Government, in pursuance of its obligation to establish and strengthen the structures that protect the human, civil and economic rights of its citizens at home and abroad, as well as the rights of aliens residing in Nigeria, hereby affirms its commitment to all existing international and national instruments, principles and standards related to migrants. The Federal Government hereby declares that it seeks to fully accomplish the following objectives through this National Policy on Migration (NMP):

Policy objectives

The policy objectives are to:

- (a) Provide a platform for the uniform administration of migration in Nigeria with the NCFRMI as the Coordinating Agency of all stakeholders in the field of migration notwithstanding that the contents of this policy shall be implemented by the relevant stakeholders Serve as a guide to all government and non-governmental agencies, and for nations with whom Nigeria has foreign relations, as well as for international organizations that are involved in migration activities in the country;
- (b) Provide strategic direction for efficient and effective migration management both home and abroad as well as serve as a blueprint

for engaging governments, institutions, and all entities on migration and related issues that concern or affect Nigerians in the interest of the Government of Nigeria and the people of Nigeria;

- (c) Ensure that the human, economic, labour and civil rights of Nigerians resident abroad are well protected in their host countries, including those rights guaranteed by existing international conventions, customary international law, humanitarian law, general principles, and other such agreements concluded on bilateral and multilateral bases;
- (d) Encourage orderly and regular migration of Nigerians, through the provision of timely and adequate information to the public at large, at migration information centres where prospective migrants may be counselled in collaboration with state and local council areas as well as other sources of migration information;
- (e) Eliminate irregular migration through more effective migration and border management controls;
- (f) Promote regular sensitization of Nigerians to the dangers and hardships encountered by irregular migrants, and facilitate liaisons between government agencies and NGOs involved in the promotion of job opportunities and self-employment;
- (g) Eradicate trafficking in persons, migrant smuggling and other migration-related abuses and crimes, and advocate for the elimination of all forms of exploitation of Nigerian migrants at home and abroad;
- (h) Help stem the haphazard migration of Nigerian professionals, reduce the impact of brain drain through the development of organized labour migration schemes and bilateral labour migration agreements within the framework of a National Labour Migration Policy;
- (i) Encourage the participation of Nigerians abroad in economic activities at home, through foreign direct investments and social remittances;
- (j) Develop alternative efficient and cost-effective methods of official remittances through the designation of specific Nigerian banks as remittance channels;

- (k) Encourage bilateral agreements to ensure that Nigerians being repatriated from abroad are treated humanely and fairly, in safety and with dignity, and that their basic human rights are respected; and to foster capacity-building and skills acquisition training programmes by relevant agencies to ensure that such persons will be gainfully engaged upon return;
- (l) Facilitate the negotiated and voluntary repatriation of Nigerian irregular migrants. Design and implement the streamlining of migration issues into national and state development programmes and poverty reduction strategies, especially Vision 20:2020 and its state and local offshoots;
- (m) Address management of all border issues that may threaten peace, security and development in Nigeria;
- (n) Make the principle of gender equality a central core value in all issues and activities within the migration policy.

3.2 Migration and development goals and objectives

In order for migration to impact positively on the development of the nation, there is a need to harness the potential of Nigerians living abroad, who constitute a major source of expertise and skills, as well as of remittances and foreign direct investment. Growing confidence in the potential of Nigerians in the diaspora remains the driving force behind the economic development of the home country. Country experiences of successful diaspora engagement have been predicated on effective reform of key sectors of the economy in which the diaspora can add value. The examples set by India, China, the Republic of Korea and Pakistan, among others – where the prosperity of those countries is linked to the leading role of their diaspora in attracting foreign investments, becoming representatives of foreign companies or contributing their own direct investments subsequent to key reforms in the domestic economy – are very pertinent.

3.2.1 Diaspora engagement

Policy statement

Nigerians in the diaspora are people of Nigerian nationality and/or descent who have migrated to or were born and live in other countries, who share a common identity and sense of belonging. Although the exact number of Nigerians in the diaspora is unknown, the estimated figures are significant. For example, it is believed that Nigerians have a significant presence in the United States and the Republic of Cameroon, among other places, while there are about 25,000 Nigerian professional health workers in the United Kingdom.⁸ Many Nigerians in the diaspora are highly skilled professionals who have the potential to contribute to their countries of residence and origin.

Through the maintenance of connections with home countries, benefits accrue to the country of origin through the transfer of remittances, knowledge, skills, innovation, and technology and return migration. It is therefore the aim of this policy that the coordinating agency, the NCFRMI, should collaborate effectively with the Nigerian National Volunteer Service (NNVS), the Nigerians in Diaspora Organization, the House Committee on the Diaspora, the NPopC, the Independent National Electoral Commission and other relevant agencies to promote the necessary political, social and economic conditions and conducive policy environment, including democracy and good governance, that would encourage and productively engage the diaspora population to contribute to national development.

Objectives

- (a) To establish an enabling environment to attract diaspora contribution to national development;
- (b) To develop and regularly update a diaspora database from relevant sources;

8 UKNMC (UK Nursing and Midwifery Council), *Annual Statistics 2004–2005* (London, 2005).

- (c) To create a conducive legislative and policy environment that facilitates the transfer of knowledge, skills and resources from the diaspora;
- (d) To reintegrate return migrants and utilize their skills and resources.

Strategies

- (a) Establish a comprehensive database on the diaspora, which would be a source of reliable statistics and would facilitate networking and collaboration between stakeholders in the countries of origin and destination. This should be done through each Nigerian mission, in collaboration with the National Population Commission;
- (b) Enact legislation to enable diaspora participation in elections and censuses;
- (c) Encourage diaspora participation in national events, such as Independence Day celebrations, both in their countries of residence and in Nigeria;
- (d) Recognize outstanding achievers in the diaspora through the award of national honours;
- (e) Regularly engage with officials of foreign missions and Nigerians in the diaspora, in collaboration with the Ministry of Foreign Affairs (MoFA);
- (f) Encourage the return of qualified Nigerians in the diaspora through the provision of incentives, such as special concessions for the purchase of land, for accelerated development;
- (g) Facilitate the transfer of scientific and technological knowledge, as well as encourage trade and investment through appropriate institutional mechanisms;
- (h) Create enabling policies in the economic sector, such as exports, small and medium scale enterprises, job creation and so on;
- (i) Integrate migration and development into the National Development Plan, Vision 20:2020, all related poverty reduction strategy papers, and as a tool for the achievement of the Post-2015 Millennium Development Goals, and in collaboration with the National Planning Commission (NPC) and other relevant stakeholders;

- (j) Encourage dialogue among regional economic communities as well as South–South and North–South dialogue, so as to create win-win situations for Nigeria, for countries of transit or destination, and for migrants and the members of their families;
- (k) Establish access, in the short term, to facilities for internship and apprenticeship abroad for qualified Nigerians, in collaboration with Nigerian academia in the diaspora;
- (l) Welcome Nigerians in the diaspora who are coming home – whether for a holiday or temporary stays, or permanently – through welcome receptions at the airport, reduction in duties applicable to goods being brought home for their personal use and similar benefits.

3.2.2 Remittances by Nigerians living abroad

Policy statement

The total volume of remittance transfers globally to developing countries far exceeds ODA. Nigeria is the largest recipient of remittances in sub-Saharan Africa, with receipt of approximately 65 per cent of officially recorded remittances into the region, and 2 per cent of global flows. Statistics from the Central Bank of Nigeria (CBN) indicate that remittances through the banking system stood at USD 5.8 billion in 2005, USD 10.7 billion in 2007, USD 19.2 billion in 2008, USD 20.6 billion in 2012 and USD 20.76 billion in 2013. This clearly indicates a growing trend in the inflow of remittances from Nigerians in the diaspora.

While remittances are private funds used by migrants’ families to meet daily needs such as health, education and food, they are also invested in improvements to homes, the purchase of landed property and entrepreneurial activities, among others. Strategies should be developed to encourage Nigerians in the diaspora to invest remittances in social infrastructure, human capital and other economic activities. There is a need to promote the transfer of remittances through efficient formal channels at low transfer cost, as well as to encourage senders and recipients to invest part of their savings. In addition, preferential interest

rates on savings and opportunities for direct foreign investments for commercial entrepreneurial and other productive activities by the diaspora and the recipients of remittances, as well as the adoption of appropriate macroeconomic policies, should be encouraged. This could be achieved through the creation of incentive strategies in collaboration with stakeholders in civil society and the financial sector. A good example would be the “build, operate and transfer” programmes that are becoming increasingly popular in the construction industry.

Objectives

- (a) To periodically update data on inflows of remittances;
- (b) To increase the flow of remittances through official channels;
- (c) To promote the use of remittances for viable investments;
- (d) To reduce transfer costs, expand the activities of money transfer organizations (MTOs) and explore the use of mobile phones in this regard, especially in rural communities.

Strategies

- (a) Design and implement financial sector policies and regulatory frameworks that would facilitate the creation of cheaper and more efficient multiple financial institutions and packages, through which persons in Nigeria could receive funds transferred by Nigerians in the diaspora. In this regard, community banks, post offices, credit unions and other rural financial service providers should be empowered to receive and pay out remittances, either independently or as outlets of larger banks that have corresponding banks in the destination countries. Fees chargeable should be reduced, to encourage larger and more frequent transfers;
- (b) Provide opportunities for direct foreign investment in key areas of the economy for commercial, entrepreneurial and other productive activities. This could be achieved through collaborative projects between stakeholders and the financial sector. A good avenue would be through the “build, operate and transfer” programmes. Ventures established through such remittances could receive

some waivers of customs duties on equipment to be used in these ventures;

- (c) Grant duty waivers on medical equipment, medicines and other items to be donated or used for voluntary services, especially those brought in for humanitarian services through the NNVS and the diaspora;
- (d) Promote transparent and efficient disaggregated data-collection and collation through collaborative efforts between data-collation agencies, standardized annual surveys and the automation of all operations by remittance service delivery operators;
- (e) Enter into bilateral agreements with countries with high numbers of Nigerian migrants, to promote the use of identity cards, issued by Nigerian embassies and consular offices, which can be used to open bank accounts in host countries. This will provide access to formal remittance services previously inaccessible to irregular migrants;
- (f) Ensure that the exchange rate premium is eliminated to serve as a disincentive to informal transfer systems, while paying attention to the design and implementation of other programmes in conjunction with banks located in host countries, in order to increase the flow of remittances;
- (g) Promote competition among MTOs to reduce transaction costs;
- (h) Encourage commercial banks to introduce products that would be directly linked to remittances, such as insurance, housing loans, educational loans and micro loans, to encourage savings and investments by recipients;
- (i) Encourage the use of technology-based transfer of remittances (with appropriate regulatory infrastructure), including the use of mobile phones that can be used to store and transfer value as well as overcome geographic barriers with appropriate regulatory infrastructure;
- (j) Encourage national and subnational governments to develop diaspora bonds as a source of external financing.

3.2.3 Brain drain, brain gain and brain waste

Policy statement

“Brain drain” occurs when significant numbers of highly skilled nationals leave their country of origin to seek employment or establish businesses abroad. This has a negative effect on the economies of developing countries, because the skills of remaining nationals are not sufficient to grow industries, academia and other sectors of the economy. “Brain waste” occurs when skilled migrants engage in menial occupations abroad, resulting in de-skilling outcomes. “Brain gain” can be achieved through the return of individuals who gained skills abroad through temporary migration. The challenge before the Nigerian government, as with many African governments, is to reverse brain drain, or at the very least mitigate its effects on social and economic development, while optimizing brain gain and minimizing brain waste of nationals abroad.

Objectives

- (a) To identify the nature, extent and causes of brain drain and its consequences in the countries of destination on the one hand and in Nigeria on the other;
- (b) To trace the outcomes of brain drain in the countries of destination;
- (c) To propose strategies for converting brain drain into brain gain in Nigeria;
- (d) To minimize brain waste.

Strategies

- (a) Increase the retention rate of professionals, especially health-care practitioners, through regular professional and educational development opportunities;
- (b) Establish an atmosphere conducive to private sector opportunities that would provide alternative employment or part-time employment to low-paid professionals within the public service;
- (c) Review and increase salaries applicable to highly skilled professionals employed within the public sector;

- (d) Design strategies for the replacement of qualified persons who have left Nigeria, for example through providing scholarships for training in professions that are highly affected, committing those who receive these scholarships – through bonds and the provision of guarantees from top government officials – to a period of subsequent employment within the country;
- (e) Facilitate increased mobility of professionals within the African region through the framework of New Partnership for Africa's Development (NEPAD);
- (f) Reduce the adverse impact of brain drain by encouraging the transfer of skills and knowledge by nationals returning home for short or long periods, thus contributing to the development of Nigeria. In this regard, the Government should liaise with organizations such as IOM, the World Health Organization (WHO) and the ILO, all of which have developed programmes that would be very useful.

4. POLICY GOALS, OBJECTIVES AND STRATEGIES

4.1 Internal migration and urbanization

Urbanization is not a new phenomenon in Nigeria. Pre-industrial urbanization in south-western and northern Nigeria dates back centuries. Urban populations in Nigeria have more than doubled over the past 30 years.⁹ Urban destinations have become the choice of a growing number of rural migrants, and rural residents continue to migrate to oversized cities with undersized job markets. In the face of rapid growth of the population and labour force and sluggish and declining agricultural productivity, the migration rate to the cities has far outpaced the growth of urban economies, which are too weak to absorb such large numbers of new workers, resulting in further poverty, unemployment, congestion and strain on housing, education, transportation, health and other social services.

Objectives

- (a) To identify and minimize the push factors prompting rural exodus;
- (b) To diminish the attractions of the cities for rural dwellers;
- (c) To plan access for slum-dwellers to education and health services;
- (d) To enhance planning and urban housing, and to minimize general environmental degradation.

⁹ In 1975, urbanization stood at 23.4 per cent of the total population; in 2006, it was almost 50 per cent. See Adepoju and van der Wiel, 2010.

Strategies

- (a) Address root causes of internal migration, such as rural poverty, reactions to natural disasters, civil strife, unemployment and so on;
- (b) Provide basic services, such as education, health care and adequate housing, for rural dwellers;
- (c) Compile data on factors, trends and characteristics of internal migration and the geographical distribution of the population, and formulate more effective policies relating to population distribution;
- (d) Revamp infrastructure such as electricity and potable water supplies that will assist development in rural areas and reduce rural–urban migration.

4.2 National and human security

Large unregulated migratory movements, such as those that occur during wars and major internal conflicts, have significant negative impacts on national security and the stability of neighbouring States. They also hinder the ability of States to manage their borders effectively and have the potential to create tension – either between origin and destination countries or within local host communities. The relatively recent international focus on terrorism has also affected migrants in a negative manner, as this group is often blamed, rightly or wrongly, for carrying out terrorist activities, disturbing public order and undermining the security and stability of nations. The civil wars in Liberia and Sierra Leone, and later in Côte d’Ivoire, not only compromised the national stability of those nations, but also effectively hindered the ability of neighbouring States to effectively manage their own borders. The entire West African subregion has been inundated with small arms and ammunition, which has in turn increased serious crime within those nations.

As the subregion is still reeling from the effects of long wars and refugee flows, the recent violent conflict in Mali has compounded the security challenges in Nigeria: it is believed that local insurgent groups in the north-eastern parts of the country are drawn from and have links with

the Al-Qaeda cells based in Mali and neighbouring countries. The ECOWAS intervention team to which Nigeria contributed troops is aimed at enhancing national security and international stability.

Objectives

- (a) To address migration-conflict interrelations within Nigeria and between the country and its neighbours;
- (b) To establish mechanisms for conflict resolution and peacebuilding in areas which affect IDPs and refugees;
- (c) To ensure that the national security policy or any security sector reforms of the country takes cognisance of migration-related issues;
- (d) To ensure that human security issues are considered in the light of migration and security challenges and conditions.

Strategies

- (a) Adopt a national security policy that takes cognisance of human security issues and links migration to both human and national security;
- (b) Strengthen the capacity of government in preventing conflict, and establish conflict management and resolution mechanisms. This would promote peace, security and stability, not only in Nigeria but throughout the subregion and Africa as a whole;
- (c) Strengthen collaboration between the Institute for Peace and Conflict Resolution (IPCR), the National Emergency Management Agency, and other government agencies and non-State actors, to establish early warning mechanisms for preventing the occurrence of conflict;
- (d) Enhance diplomatic initiatives to defuse volatile situations before they lead to conflict and displacement;
- (e) Enhance the capacity of NCFRMI to work in conjunction with relevant government agencies, ECOWAS and the AU to improve the ability of nations to respond in an efficient manner to spontaneous movement and mixed migratory flows;

- (f) Include a robust risk-assessment mechanism in the country's security architecture, so as to determine the effect of social, political and economic conditions, events and activities;
- (g) Provide anti-terrorism training for security personnel and enhance their capacity to handle national and regional security concerns;
- (h) Ensure the proper dissemination of the national security policy, so that security personnel, migrants, residents and other stakeholders share responsibility for the maintenance of national security.

4.3 Irregular migration

One of the dramatic changes, and challenges, in migration configurations in Nigeria is the increasing irregular migration within and outside the region. Since irregular immigrants tend to avoid being registered, any estimates of the total number are necessarily guess estimates.

The growing number of irregular migrants from Nigeria is fuelled by a large pool of unemployed youth, poverty, and distorted information on labour market conditions in rich countries. This trend is reinforced by the increasing professionalism of traffickers and bogus travel intermediaries, with scams and promises of passage to greener pastures. For those youths who migrate when conditions fall below a critical threshold of tolerance at home, migration is a response to both the pull of opportunity and the push of abject poverty: socioeconomic insecurity has transformed migration that would otherwise have taken place internally into irregular migration to rich countries. Faced with strict immigration control measures and tightened barriers to legal entry, a growing number of young people are involved in daredevil ventures and have increasingly adopted more sophisticated, daring and evasive methods in their attempts to enter Europe. Many perish in the process. Those who are apprehended are deported, sometimes in inhumane conditions. Others live in vulnerable situations, mainly because of their irregular status or the kind of work they do, and many face discrimination. Many are deskilled, frustrated and have little or no access to opportunities for skills training or career advancement.

In addition, several thousands of ECOWAS community nationals have entered Nigeria clandestinely, many having failed to regularize their stay after the initial 90 days permitted by the ECOWAS Protocol on Free Movement of Persons. Besides, porous borders, weak capacity for migration management and close cultural affinity between families and communities living on adjacent sides of national frontiers have fostered irregular migration and clandestine border-crossing.

Objectives

- (a) To recognize and address irregular migration as a national and human security concern;
- (b) To put in place productive employment and other viable options for young persons as an alternative to irregular migration;
- (c) To provide adequate public enlightenment on the dangers of irregular migration.

Strategies

- (a) Strengthen the capacity of the Nigeria Immigration Service (NIS) and other relevant law enforcement agencies to manage external borders effectively and to detect and prevent irregular exit and entries of migrants;
- (b) Promote productive employment for the millions of educated youths who will join the lengthening queue of potential emigrants, ready to migrate clandestinely to do any kind of job anywhere, but increasingly outside the country;
- (c) Ensure that poverty reduction programmes are pro-poor and pro-jobs, to provide livelihoods for the youth;
- (d) Promote start-off capital for small enterprises, under the auspices of the Small and Medium Enterprises Development Agency (SMEDAN);
- (e) Work closely with migrant-receiving countries to explore technical cooperation agreements for temporary labour or circular migration as a means of reducing irregular migration by desperate youths, and all the consequences and costs of policing irregular migration;

- (f) Institute intensive advocacy and awareness programmes to inform the youth about the true realities of the situation in Europe and to demystify the perception of youths about the opportunities and job prospects in Europe and that the roads of EU countries are “paved with gold”;
- (g) Provide appropriate information to would-be migrants on conditions governing exit, and entry, residence and work in various destination countries to enable them to make informed decisions before they migrate;
- (h) Promote assisted voluntary return and reintegration (AVRR) programmes and agreements between countries of destination, origin and transit, to ensure humane treatment of potential returnees;
- (i) Work productively for, and channel movements into, regular situations to benefit migrants, as well as origin and destination countries, societies and families.

4.3.1 Migrant smuggling

Migrant smuggling is related to other forms of transnational organized crime, leaving migrants who resort to aid from smugglers in very vulnerable positions, having paid large sums of money to undertake extremely dangerous voyages in order to seek employment. This is in contradistinction to trafficked persons who are victims of crime and therefore have the right to certain protections and assistance. This distinction reveals a gap that border control agents need to manage effectively in order to curb illegal/irregular movements of people. In an effort to promote economic integration, the ECOWAS Protocol on Free Movement of Persons, Right of Residence and Establishment has also made the work of sifting out the criminals involved in migrant smuggling more challenging, thus requiring particular attention with regard to promoting the fluid circulation of bona fide travellers, while reinforcing control mechanisms designed to identify criminal networks.

Objectives

- (a) To identify and address the origins of irregular migration, together with factors influencing such migration, and the consequences of irregular migration within, out of and into Nigeria;
- (b) To identify the origins, and address the causes and consequences of migrant smuggling affecting Nigeria in diverse ways;
- (c) To establish mechanisms for containing perpetrators and accomplices of smuggling through appropriate punitive and deterrent measures;
- (d) To strengthen institutions with a mandate to reduce the smuggling of migrants, and to establish a regulatory framework for this purpose.

Strategies

- (a) Collaborate with security and other relevant agencies to combat international organized criminal syndicates;
- (b) Develop a legal framework to effectively address the issue of smuggling of migrants;
- (c) Strengthen information-sharing on irregular migration between NIS and other law enforcement agencies from source, transit and destination countries;
- (d) Improve border management in various ways through the promotion of synergy between NIS and other security agencies, and through capacity-building of border management agencies;
- (e) Strengthen the capacity of border control officers, including through technical training, to meet the demand of mixed flows of persons across borders, through referral and joint patrolling exercises;
- (f) Collect, consolidate and analyse information relating to cross-border movements at and within ECOWAS borders;
- (g) Undertake awareness campaigns for the prevention of irregular migration; provide information for the benefit of would-be migrants; create awareness of the dangers inherent in irregular migration, and ensure that vulnerable migrant victims of smuggling are not automatically criminalized;

- (h) Encourage constant joint cross-border patrols with the security agents of neighbouring countries.

4.3.2 Human trafficking

Trafficking, like migrant smuggling, is proscribed by the UN Convention on Transnational Organized Crime and its Trafficking Protocol. Nigeria has ratified the Convention and is a signatory to the two protocols. It is critical that the identification of victims of trafficking is improved, so that they can be treated as victims of crime rather than as criminals, and that they are given protection and assistance, among many other forms of remediation.

Child trafficking represents a special challenge in Nigeria, the West African region and in Africa as a whole, and specific steps have had to be taken to ensure the protection of victims of trafficking, especially women and children. The Government should continue to strengthen the capacity of NAPTIP so as to reduce, if not completely eliminate, the number of trafficked persons. Organized criminal syndicates responsible for drug trafficking are also very much involved in human trafficking and migrant smuggling. A multifaceted strategy is thus necessary to combat trafficking. This should consist of prevention through constant revision and strengthening of legislation, training and enhancing capacities of judges, legal practitioners, state and non-state actors, and information campaigns that target vulnerable groups, providing material and legal protection for victims of trafficking, with special provisions for their return and reintegration, as well as the prosecution of traffickers and their accomplices.

Objectives

- (a) To continuously identify and address factors influencing trafficking in persons, trends and consequences of human trafficking of Nigerian citizens;
- (b) To create a conducive and enabling environment for the prevention of trafficking in persons in endemic communities in Nigeria;

- (c) To establish and sustain a referral mechanism for trafficking in persons among law enforcement agencies, civil society organizations (CSOs) and non-governmental organizations (NGOs);
- (d) To identify the origins of human trafficking and migration within, out of and into Nigeria, and address the factors influencing them, and their consequences;
- (e) To identify the origins, address the causes and consequences of human trafficking affecting Nigeria in diverse ways, and to protect its victims through a systematic approach involving sending communities;
- (f) To establish mechanisms for detecting and punishing perpetrators and accomplices of human trafficking, creating appropriate punitive and deterrent measures.

Strategies

- (a) Incorporate the “4P” strategy – prevention, protection, prosecution, and partnership – in the combat against trafficking in persons adopted by NAPTIP;
- (b) Establish a Victim Protection Programme for the effective protection of victims and members of their families from reprisal attacks by traffickers and their syndicates;
- (c) Review legislation to include, as a best practice, the admissibility of digital evidence, especially video conferencing, for victims of trafficking;
- (d) Collaborate with relevant security agencies to dismantle international organized criminal syndicates, and to prosecute smugglers, traffickers and their accomplices;
- (e) Strengthen information-sharing on trafficking through the establishment of databases on smugglers and traffickers and their modus operandi;
- (f) Provide adequate protection and assistance to victims of trafficking through the establishment of reception centres, as well as through return and reintegration assistance, such as resettlement grants and skills acquisition programmes and employment counselling, and through enhancing the capacities of NAPTIP in running shelters,

making them user-friendly and compliant with international standards;

- (g) Strengthen the capacity of border officers, including via technical training, to meet the demand of mixed flows of persons across various borders;
- (h) Install and constantly upgrade document-processing equipment, including improving the security of travel documents, and computerize the operations of border control officers in conformity with international norms;
- (i) Undertake enlightenment campaigns for the prevention of human trafficking;
- (j) Encourage constant joint cross-border patrol with the security agents of neighbouring countries;
- (k) Collaborate with the authorities in destination countries through Nigerian missions abroad and partners, to monitor the condition of trafficked persons and to ensure their welfare and respect of their human rights.

4.3.3 Return, readmission and reintegration of Nigerian migrants

It is a fundamental element of State sovereignty to decide which persons may have permission to enter its territory, and under what conditions. The fact that individuals have freedom of movement does not equate to a right of entry or stay. In fact, the ECOWAS Protocol on Free Movement does not grant unrestricted or unlimited freedom. Governments therefore have the right to repatriate irregular or undesirable persons, but they must ensure that this is done in safety, humanely and with dignity. Such action must respect the human rights of the affected persons and, in order for it to be sustainable, must involve cooperation and agreement between origin, transit and destination countries. The key to effective, safe and humane mechanisms for return and readmission is enhanced dialogue between affected nations.

Nigerian missions need to monitor and be involved in the repatriation process, in conjunction with the authorities in the repatriating country. State governments should be encouraged to provide for local integration, and readmission agreements that have been entered into must be reviewed regularly and reinforced – before the migrant’s return – to ensure adequate protection of their human rights, as well as a commitment to empowerment by the repatriating country.

Objectives

- (a) To recognize the importance of return, readmission and reintegration of Nigerian migrants, and to facilitate their adaptation to a new life in their home country;
- (b) To evolve bilateral and multilateral arrangements with the main destination countries of Nigerian emigrants;
- (c) To institute training programmes for the reintegration of return migrants.

Strategies

- (a) Create standards and procedures based on law and policy, for the return, readmission and reintegration of forced returnees, in line with relevant international legal instruments;
- (b) Ensure that Nigerian missions abroad provide nationals with the appropriate identity documents for the purposes of repatriation;
- (c) Include, in bilateral agreements on voluntary return, a provision for training and education of the returnees for self-employment, to enhance the likelihood of sustainable return;
- (d) Encourage the comprehensive reintegration of returning migrants through the AVRR programme;
- (e) Review existing return agreements to ensure adequate protection of the human rights of returnees, especially in cases of mandatory return;
- (f) Ensure that repatriation respects the principle of non-refoulement and guarantees the physical safety of the returnee;

- (g) Ensure that return is done in safety, with dignity and honour, so that the human rights of migrants are respected, both in the process leading to return and during the actual process of return itself;
- (h) Strengthen border management capacities through training and technical cooperation with organizations such as IOM, the ILO, UNICEF and UNHCR;
- (i) Strengthen the involvement of the authorities of the Government of Nigeria in the return and reintegration of migrants;
- (j) Reinforce community development efforts in high-pressure migration zones.

4.4 Border management

Effective border management is essential to a good national migration system. Developments around the world, especially the advent of globalization, have resulted in an increased pace of movement across international boundaries, thus exerting increased pressure on existing border control mechanisms. The problems of “mixed flows” and “irregular flows” of persons across national borders have raised new challenges that require the strengthening of the capacity of border management personnel to analyse the evolving dynamics of international migration and to distinguish between persons who have legitimate versus non-legitimate reasons for entry and stay.

The security challenges of trafficking, migrant smuggling and the increasing profile of international terrorism have continued to be a source of worry to the Nigerian Government and to the international community. The ECOWAS Protocol on Free Movement of Persons has equally challenged the ability of border personnel to effectively manage the mixed flows of persons across borders. At subregional and regional levels, attempts to coordinate cross-border movements between neighbouring countries and to harmonize immigration processes through cross-border treaties and programmes have not been matched by capacity-building of officials to manage these borders effectively.

Border management needs to be strengthened in terms of technology, infrastructure, inspection processes relating to travellers and training of staff, while still giving the NIS and other relevant agencies the ability to meet their humanitarian obligations to refugees and genuine claimants of asylum. The ability of the NIS to detect false travel documents and the general usefulness of these documents would be enhanced through well-structured registration, properly documented issuance and effective border management systems. The persistent falsification of travel documents requires the installation of improved technologies to detect forged travel documents, as well as the introduction of more sophisticated travel documents such as machine-readable passports.

Objectives

- (a) To ensure that border management personnel are properly trained in migration issues, border control mechanisms and the securitization of cross-border migration, thereby improving their administrative efficiency;
- (b) To ensure that migrants are adequately protected at the borders;
- (c) To repeal and update laws relating to border management, updating standard operational procedures and infrastructure as necessary;
- (d) To assemble, analyse and publish border control data for informing and updating policy;
- (e) To address the concerns raised by regional integration and shared migration policies at regional and subregional level.

Strategies

- (a) Train and continually retrain border control personnel and improve their administrative effectiveness, to meet the emerging challenges of modern control;
- (b) Strengthen existing laws on migration management, especially in areas of irregular migration, in order to effectively meet new challenges in border control, including trafficking, migrant smuggling, the problem of child labour, and terrorism;
- (c) Foster understanding of the concept of protection of people on the move;

- (d) Optimize new border management technologies, including technical training for those entrusted with border management, improving the security of travel documents, computerization of systems in conformity with international norms, upgrading inspection, data collection and communication systems;
- (e) Encourage information-sharing among the various agencies responsible for border control, such as the NIS and corresponding agencies from other states in the area of law enforcement, preventive measures, training, migration-related data and dialogue;
- (f) Ensure adequate data collection and storage regarding movements across the border;
- (g) Strengthen cooperation and coordination at the national level between security agencies, including the Nigerian Customs Service, the NIS, the National Drug Law Enforcement Agency (NDLEA), the State Security Service (SSS), the Directorate of Military Intelligence, the National Intelligence Agency (NIA), the Nigeria Police Force (NPF) and other stakeholders;
- (h) Strengthen national laws regulating migration, through the establishment of clear, transparent categories for the admission/expulsion of persons, and of clear eligibility criteria for protection;
- (i) Provide adequate information in the three major languages of Nigeria, and the languages of towns and villages where ports of entry are stationed, about the requirements, challenges and opportunities of migration, both for the general citizenry and potential migrants, especially before they cross national borders;
- (j) Develop and implement, in collaboration with neighbouring country governments and regional institutions, effective cross-border mechanisms to raise the standard of living of citizens in border communities, and to prevent unauthorized movement across borders;
- (k) Provide training to build the capacity of border personnel, programme administrators, civil society groups and other stakeholders, to facilitate legitimate cross-border activities and programmes aimed at providing requisite assistance to cross-border communities;

- (l) Introduce programmes and systems such as One Stop Border Posts (OSBPs) to protect and enhance the cross-border movement of traders, especially women;
- (m) Strengthen inter-State dialogue, regional consultations and cooperation with ECOWAS Member States, subregional/regional agencies, and the international community and partners in particular in the area of law enforcement, sharing of migration-related data and information for effective migration and management of national borders.

4.5 Forced displacements beyond national borders

4.5.1 Refugees and asylum-seekers

Internationally, refugees are protected by the Geneva Convention Relating to the Status of Refugees of 1951 and its Protocol of 1967. In addition, refugees in Nigeria are admitted and protected by virtue of the AU Convention of 1969 Governing Specific Aspects of Refugee Problems in Africa, and the Act establishing the National Commission for Refugees, Migrants and Internally Displaced Persons, now Cap N21 LFN 2004, which provides a legal framework for governing the various aspects of refugee protection and eligibility for asylum in Nigeria.

Nigeria has played host to refugees from Chad, Niger, Liberia, South Africa, Sierra Leone, Congo, Mali, Côte d'Ivoire, Sudan and Cameroon. In 2008, Nigeria declared cessation on the admission of Liberian and Sierra Leonean refugees and is pursuing the local integration of the remaining refugees through the multipartite agreement between Nigeria, Liberia, Sierra Leone, ECOWAS and UNHCR.

Objectives

- (a) To protect and assist refugees and asylum-seekers, as enshrined in UNHCR, regional and national statutory documents;

- (b) To facilitate due registration of refugees and asylum-seekers, to allow them to benefit from authorized services and facilities within the country;
- (c) To facilitate the resettlement of refugees;
- (d) To coordinate the work of international and national organizations and institutions involved in ensuring the welfare of refugees and asylum-seekers.

Strategies

- (a) Facilitate the access of refugees to work and education opportunities. This could be achieved through the articulation of an Urban Refugees Assistance Programme;
- (b) Work with the state security agencies to ensure that the principle of non-refoulement is respected;
- (c) Work with state authorities, large employers of labour, educational institutions and other stakeholders to ensure that refugees receive NCFRMI identity cards that will be recognized and accepted throughout the nation;
- (d) Conduct regular training programmes in conjunction with the NIS and other law enforcement agencies which operate at the nation's borders and have first contact with refugees, to inform them about the obligations set forth in the relevant international instruments and national laws and policies, and establish humane screening systems at borders before referral to the Eligibility Committee of the NCFRMI;
- (e) Draw up national contingency plans to improve the response time and capacity of the Government to cope with sudden mass influxes of refugees and returnees;
- (f) Encourage the participation of civil society in information campaigns, and in the provision of legal and social counselling to refugees and their human security needs;
- (g) Ensure adequate provision in annual budget allocation for the needs of refugees, especially women, children and the elderly, and reach out to the private sector, charitable and religious organizations and individuals;

- (h) Facilitate the issuance of residence permits to those refugees who opt to integrate locally in the country, and give priority to family tracing and reunification for children who have been separated from their families and unaccompanied refugee children;
- (i) Conduct sensitization programmes for refugees on their obligation to respect and abide by all Nigerian laws;
- (j) Promote the establishment of a refugee database by NCFRMI and other stakeholders;
- (k) Establish and encourage bilateral and multilateral agreements with host countries for the protection of Nigerian migrants and asylum-seekers in foreign countries.

4.5.2 Principles of non-discrimination

Many destination countries are experiencing rising racism, discrimination, xenophobia and intolerant behaviour towards migrants. This creates social tension, prevents local integration of migrants within their host community and denies migrants their rights. Nigerians by tradition are very hospitable and welcoming of foreigners in their midst; however, opposite prevails in foreign countries where Nigerians have chosen to reside. The Government should ensure, through the efforts of Nigerian diplomatic missions in destination countries, that Nigerians resident abroad are not subjected to discriminatory or intolerant behaviour, while maintaining the same standard for immigrants resident in Nigeria.

Objectives

- (a) To ensure the institutionalization and observance of non-discrimination principles for all types of immigrants;
- (b) To put in place and observe mechanisms for the protection and implementation of migrant rights;
- (c) To roll out non-discriminatory, age- and gender-sensitive programmes for refugees and asylum-seekers, as well as for other migrants.

Strategies

- (a) Engage host States whenever an incident of racism or discrimination is witnessed;
- (b) Ensure, through meetings and structured dissemination of information from Nigerian missions, that migrants respect and abide by the laws of their destination countries and are not discriminatory in their behaviour towards the host community;
- (c) Ensure that the resolutions of the World Conference against Racism, Racial Discrimination and Xenophobia, held in Durban in South Africa in 2001, are adopted in the national legislative and policy framework, including the prevention of acts of discrimination against women and measures to ensure fair and non-discriminatory treatment of migrants, regardless of status;
- (d) Coordinate the activities of organizations dealing with migration and human rights to reduce racism, xenophobia and related intolerance against Nigerian migrants in host countries. Special attention should be paid to the situation of female migrants, children and the elderly;
- (e) Develop, in conjunction with the National Human Rights Commission, anti-racist and gender-sensitive human rights training for public officials, security agents and other government agents who may have official interactions with migrants.

4.5.3 Stateless persons

The right to a nationality is a right recognized under international law. However, displaced persons are often impacted by statelessness as a result of conflicts between States, or the redrawing of political boundaries, by reason of extended stays abroad, or due to changes in their civil status while abroad. As a result, stateless persons are often not afforded the protections deriving from their citizenship of nations and thus find themselves deprived of their human rights.

Objectives

- (a) To provide information/data on the extent of statelessness in Nigeria to inform appropriate responses;
- (b) To provide support to stateless persons in Nigeria as well as stateless Nigerians abroad;
- (c) To enact an appropriate legislation for containing the problem of statelessness in Nigeria.

Strategies

- (a) Domesticating and complying with the provisions of the 1954 and 1961 Statelessness Conventions that encourage granting stateless persons particular residential status, either as permanent residents or as naturalized citizens, as deemed necessary;
- (b) Enact laws and policies to eliminate statelessness;
- (c) Reform the procedures and processes leading to the granting of citizenship for stateless persons within Nigeria, so that they may enjoy rights equal to those enjoyed by lawfully present foreigners.

4.5.4 Internally displaced persons

Internally displaced persons (IDPs) are usually compelled to move from their regular place of abode while other internal migrants move of their own volition, usually for employment, family reunification or other reasons. Push factors that may lead to forced internal displacement include conflicts, violence, human-caused or natural disasters, or development projects. The Kampala Convention, which came into force on 6 December 2012, binds governments to provide legal protection regarding the rights and well-being of IDPs.

Objectives

- (a) To identify the causes and consequences of internal displacement within Nigeria;
- (b) To push for a legal framework for the prevention, protection and assistance of IDPs, and for resulting durable solutions to the problems faced by IDPs;

- (c) To implement, monitor and evaluate international and regional instruments and national policies and legislations governing IDPs;
- (d) To engage international, regional and national institutions involved in matters relating to forced displacements and IDPs.

Strategies

- (a) Pass legislation to reduce the discrepancies between the rights of indigenes and those of settlers;
- (b) Use all levels and arms of government to increase participation in decision-making processes by all ethnic groups;
- (c) Consolidate the gains of democracy through the equitable distribution of resources for all citizens;
- (d) Give due attention to IDPs in the provision of microloans and access to skills acquisition programmes, to aid their return or relocation, as well as their ongoing economic independence, resettlement and reintegration;
- (e) Avoid human rights abuses by authorities that may give rise to internal displacement;
- (f) Establish “early warning mechanisms” and “early action structures” as preventive strategies;
- (g) Provide access and guarantees of safety to all national and international humanitarian actors who wish to provide succour to IDPs;
- (h) Train mediators and peace monitors from local to federal levels for work in areas repeatedly affected by conflict;
- (i) Apply the provision of the national IDP policy in respect of general legal principles and principles of protection from displacement and reintegration, among others;
- (j) Ensure adequate funding through budgetary provision for IDPs;
- (k) Facilitate the domestication of the 2009 AU Convention on the Protection and Assistance to Internally Displaced Persons (Kampala Convention);
- (l) Enhance national capacities for disaster risk reduction (DRR) and humanitarian response to vulnerable populations.

4.5.5 Crisis prevention, management and resolution

Conflict is a major cause of internal and external displacement in Nigeria; therefore, sufficient attention must be paid to the root causes of conflict, and the best preventive and management practices must be developed. Conflict not only destabilizes the nation; it also has a negative impact on the security of regions and on the world at large. Conflict leads to major migratory movements or displacements, which in turn lead to more conflict, thus generating a vicious cycle that must be broken for peace and development to thrive. Therefore, it behooves the Government, through agencies such as the IPCR, the NCFRMI, the Ministries of Interior and Foreign Affairs, as well as State security agencies, to devise strategies to prevent the breakdown of law and order, sustain peace, and manage and resolve disagreements that may lead to crisis. To ensure success, this must be done within the context of the subregion, the region and the global/international community, through political and diplomatic dialogue.

Objectives

- (a) To identify the causes and consequences of crises within and that affect Nigeria in all its ramifications;
- (b) To determine how best to involve law enforcement as well as crisis prevention and management agencies in crisis prevention, management and resolution;
- (c) To design early-warning mechanisms for crisis prevention and management, and proffer durable solutions for migration-related issues.

Strategies

- (a) Strengthen political and diplomatic initiatives to defuse volatile situations before they lead to conflict, and enhance intraregional and international cooperation so as to ensure the nation's capacity – and that of neighbouring countries – to respond efficiently to large, spontaneous migratory flows. In this regard, the Government should work through the Institute for Peace and Conflict Resolution to achieve its aim;

- (b) Strengthen, through continuous training of personnel and constant updating of technological devices, the capacity of the NPF, the military, the SSS, the NIA, the National Security and Civil Defence Corps and other paramilitary organizations, especially in the areas of peace, security and stability.

4.6 Human rights of migrants: legislation and principles of non-discrimination and non-criminalization

4.6.1 Legislation

The protection of the human rights of migrants is an essential component of a comprehensive migration management system, and is a means of ensuring the equitable distribution of the benefits of migration. Migrants have often been subjected to discriminatory, xenophobic and racist policies that have resulted in a denial of their basic human rights. Some of these policies include exploitation, mass expulsion, persecution and lack of access to justice for the enforcement of their rights in the country of destination. In order to safeguard the human rights of migrants, the norms enshrined in the various human rights instruments should be invoked, implemented and applied, while all human rights instruments should be ratified and domesticated in a timely manner.

The governments of origin, transit and destination countries are expected to extend to migrants human rights that guarantee equal treatment of all,¹⁰ and ensure that irregular migrants are not criminalized. In the same context, the International Covenant on Economic, Social and Cultural

10 The Vienna Declaration and Programme of Action 1993 states that: "All human rights are universal, indivisible, interdependent and interrelated". Additionally, respect for the human rights of migrants should include not just their civil and political rights, but also their social, economic and cultural rights.

Rights, 1966, in various articles, provides for the right to favourable working and living conditions.¹¹

Objectives

- (a) To review and implement legislation on the principle of non-discrimination of migrants;
- (b) To ensure strict adherence to migrant rights as stipulated in various conventions to which Nigeria is a signatory;
- (c) To take steps to protect and respect the rights of migrants, and the rights of members of their families;
- (d) To enlist the support of various international, regional and national institutions and non-state actors working on migrant rights.

Strategies

- (a) Ratify, domesticate and comply with relevant regional and international instruments and declarations that guarantee the human rights of migrants;¹²
- (b) Ensure that Nigerian missions abroad maintain a register/database of all Nigerians living in countries where missions are located, as well as those in countries of reciprocal accreditation. Nigerians in detention must be included in such databases;

11 **Article 6** – The right to work; **Article 7** – The right to just and favourable conditions of work, including fair wages, equal pay for equal work, and holiday with pay; **Article 8** – The right to form and join trade unions, and the right to strike; **Article 9** – The right to social security; **Article 10** – Protection of family, including special assistance to mothers and children; **Article 11** – The right to an adequate standard of living, including adequate food, clothing, housing and continuous improvement of living conditions; **Article 12** – The right to highest attainable standards of physical and mental health; **Article 13** – The right to education; primary education being compulsory and free for all, and secondary and higher education generally available and accessible; and **Article 15** – The right to participate in cultural life and enjoy the benefits of scientific progress.

12 These include the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights, the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Convention on the Right of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture, the African Charter on Human and Peoples Rights, ILO Conventions 97 and 143, the Child Rights Act 2005 as amended, the provisions of the Nigerian Constitution 1999 with respect to the guarantee of Human Rights, and other relevant regional human rights instruments.

- (c) Ensure that the NIS, in conjunction with other relevant stakeholders, keeps updated and comprehensive data on all foreigners living in Nigeria;
- (d) Promote the formation and support of migrant associations in the Diaspora through the auspices of Nigerian missions abroad;
- (e) Ensure that migrants within Nigeria, as well as Nigerians detained abroad by the authorities of a host government, are granted access to the judicial system and, where necessary, to counsel, and are given, among other rights, the opportunity to contest repatriation and expulsion orders;
- (f) Ensure that Nigerians detained abroad by the authorities of a host government, as well as migrants within Nigeria, irrespective of their immigration status, are treated humanely and granted access to legal protection, including the assistance of counsel and competent interpreter services as available to citizens of that country;
- (g) Take steps to promote the integration of migrant groups in Nigeria, and work closely with foreign authorities to encourage the integration of Nigerian migrants abroad into those host societies, as a means of fostering respect, acceptability and protection;
- (h) Disseminate information through the National Orientation Agency, and other organs of government and civil society, on the positive contribution of migrants to society, in order to promote respect for and understanding of migrants;
- (i) Ensure, through bilateral and multilateral agreements, that, when Nigerian migrants are repatriated, this is done humanely, and that the Government ensures their effective reintegration on return;
- (j) Domesticated and implement international treaties and conventions and national laws on human rights;
- (k) Designate special courts/tribunals for migrants, and train judicial officers for the same purpose.

4.7 Labour migration in the context of development

4.7.1 Introduction

The majority of migrants into Nigeria are labour migrants. This calls for an effective labour migration policy to assist the country in managing its excess manpower – whether skilled, middle-level or unskilled workers – in order to reduce irregular migration, while ensuring that migrant workers are not subjected to any form of discrimination. Such a policy would promote the respect and protection of the human rights of migrants. Organized labour migration can also be used to monitor the growing risk of terrorism and transnational crime, which have come to be associated with irregular migration. Organized labour migration also assists developing countries in addressing the problem of brain drain, since the average labour migration contract for highly skilled workers is for a specific period, after which the expert involved returns to their country of origin, thus continuing to contribute to the process of nation-building. In so doing, the returning migrant brings back additional skills acquired during the period of employment abroad.

Objectives

- (a) To institutionalize routine data collection and conduct periodic labour force surveys, to provide updated and relevant information on migrant labour in the country;
- (b) To ensure that the country upholds its commitment to international, regional and national instruments governing labour migration;
- (c) To strengthen mechanisms regulating the activities of recruitment agencies, in order to prevent the exploitation of potential labour migrants;
- (d) To provide protection, further skills development and other services to migrant labour, as stipulated in international, regional and national instruments;
- (e) To strengthen collaboration between workers and employment organizations in Nigeria which have counterparts in other countries.

Strategies

- (a) Strengthen collaboration with relevant agencies to monitor the recruitment and placement of migrant workers, and their general welfare, to ensure their safety, as well as their compliance with the laws of the host community;
- (b) Ratify and comply with relevant international protocols, treaties and conventions on migrant workers, including the incorporation of these instruments into national legislation;
- (c) Develop measures at the national level to regulate the supply of and demand for human resources, based on bilateral arrangements, in consultation with key stakeholders;
- (d) Determine the types of skills needed in the Nigerian workplace and internationally, in collaboration with the Federal Ministry of Labour and Productivity (FMLP), the Nigeria Institute for Social and Economic Research, the National Universities Commission and other stakeholders;
- (e) Collaborate with the Federal Ministry of Labour and Productivity and NIS to ensure a transparent and accountable system of labour recruitment which takes into account labour laws and immigration policies, and closely monitor the activities of private agencies involved in recruiting labour for the international market;
- (f) Prepare potential migrant workers for entry into foreign labour markets and arrange for pre-departure information on working conditions, health and safety, their rights, and sources of potential support available in the destination country;
- (g) Raise public awareness about the rights of migrants to ensure that migrants within Nigeria, as well as Nigerians detained abroad by the authorities of a host government, receive the social employment benefits due and available to them in the destination countries, as well as access to training and other beneficial conditions of service, including (if applicable) the right to belong to trade unions;
- (h) Promote and strengthen gender-specific approaches to policies and activities on labour migration, in recognition of the increasing feminization of labour migration, so as to ensure respect for the rights of female migrant workers;

- (i) Promote the protection of the rights of labour migrants and their families, including combating discrimination and xenophobia, through civic education and awareness-raising activities;
- (j) Promote national and international migration data collection, research and analysis on the impact of migrant workers on local labour markets, thus raising awareness of the benefits of migrants to destination countries and facilitating their integration into the labour market.

4.7.2 Regional integration and international cooperation

The ongoing processes of regional economic integration in Africa, through regional economic communities such as ECOWAS and Economic Community of Central African States (ECCAS), and regional dialogues such as the Migration Dialogue for West Africa (MIDWA) are designed in large part to facilitate labour mobility and economic development. It is therefore important to intensify efforts to enter into bilateral, multilateral and regional agreements to ensure systematic and effective regional and international labour movements that can respond promptly to the supply and demand of labour markets, promote labour standards and reduce irregular movements.

Objectives

- (a) To ensure that Nigeria sustains its participation in regional integration and international cooperation through specific migration protocols;
- (b) To participate in the review and harmonization of regional and international frameworks on migration, in particular the AU and ECOWAS frameworks;
- (c) To establish viable exchange programmes on labour migration.

Strategies

- (a) Harmonize labour migration policies with those of other countries in the subregion, as well as with popular international destination countries, through bilateral agreements;

- (b) Open up channels of communication between Nigeria and countries of destination in order to protect the human and civil rights of Nigerian migrants working abroad, and to facilitate migration dialogue;
- (c) Improve data collection and analysis, and develop exchange of information regarding labour needs and labour supply in countries of origin and destination, in order to match labour skills with labour demand, using a regional approach;
- (d) Implement the OAU (now AU) Charter on the Fundamental Social Rights and Duties of African and Arab Migrant Workers in Europe;
- (e) Adopt and implement appropriate protocols to ensure the free movement of persons, the right of residence, the right of establishment and access to employment within the ECOWAS subregion and in Africa as a whole;
- (f) Strengthen regional labour exchanges, both within Nigeria and in other countries in the ECOWAS region, so as to facilitate the employment of persons in all Member States requiring labour.

4.8 Cross-cutting themes and issues

4.8.1 Migration, poverty and conflict

The Government acknowledges that some of the root causes of migration are conflict, poverty and insecurity and that these issues need to be addressed comprehensively in order for migration to be successfully managed.

Objectives

- (a) To establish migration-poverty-conflict interlinkages from national, regional and international perspectives;
- (b) To verify, coordinate and streamline the roles of various national institutions in illuminating migration-poverty-conflict linkages;
- (c) To adopt the best options for enhancing the positive impacts of migration on poverty reduction and conflict resolution.

Strategies

- (a) Strengthen mechanisms for the reduction of poverty by encouraging the private sector, international donor agencies and local CSOs to enhance self-employment opportunities, and by encouraging government agencies whose work can impact poverty reduction;
- (b) Mainstream migration issues with relevant stakeholders into the framework of national and local developmental strategies and programmes;
- (c) Strengthen existing anti-corruption and good governance structures that promote accountability and transparency, to facilitate justice;
- (d) Reinforce mechanisms for the prevention and prompt resolution of conflict and insecurity, through the activities of the relevant MDAs, security agencies and other non-State actors;
- (e) Collaborate with relevant stakeholders to enhance development in rural areas, and especially in border towns, by providing social infrastructure.

4.8.2 Migration and health

One of the visions of the Nigerian health system is to significantly increase the life expectancy and quality of life in Nigeria, through a viable health-care regime. This vision can only be realized with adequate and qualified health-care professionals. The migration of skilled medical workers – driven by low pay, lack of opportunities for professional development, poor support services, archaic medical equipment, dilapidated medical infrastructure and a generally unfriendly work environment – has resulted in high supply gaps of health professionals.

The emigration of health workers is worrisome: in 2010, 26 per cent of Nigerian doctors were either working abroad or in other jobs that were more financially rewarding.¹³ In 2008, 3,255 Nigerian-trained doctors were practising in the United Kingdom. The National Association of Nigerian Nurses and Midwives reported that it had received 5,619

13 National Human Resources for Health Policy, 2006; Adepoju and van der Wiel, 2010.

requests for the verification of nurses seeking employment abroad in 2004 and 5,772 such requests in 2005. In addition, 20 per cent of the 10,364 registered pharmacists had migrated abroad by July 2003. This trend has impacted negatively on the delivery of health-care services. Migrants are particularly susceptible to infection during the process of migration and upon arrival at the place of destination – usually because of a lack of access to health services.

Objectives

- (a) To be sensitive to and facilitate migrants' access to health services in the same way as those of nationals, and ensure that immigrants meet the requisite national standards of health as a precondition for their admission into the country;
- (b) To design a scheme for monitoring and responding appropriately to migrants' health regimes and their implications for individual migrants, their households and Nigerian society as a whole;
- (c) To minimize the exodus of and promote the return and retention of Nigerian health workers;
- (d) To document health workers in the diaspora and promote remittances to the health sector.

Strategies

- (a) Strengthen research and data collection on the relationships between migration and health. Establish a database on migration trends in the health sector, with an emphasis on the impact of the exodus of professionals from the health sector;
- (b) Improve the structural facilities and equipment in government and private health institutions, as well as their support services;
- (c) Review the remuneration and benefits packages of workers in the health sector in Nigeria, in order to align these as closely as possible to those in destination countries;
- (d) Collaborate with the private sector in destination countries in the provision of continuous training for professional health workers, as well as of health-care facilities and scholarships for health professionals on the basis of bonds and guarantees;

- (e) Encourage the short-term return of highly skilled professionals from the diaspora, either on a voluntary basis or for a stipend or through other incentives, to participate in new private sector-led initiatives for those returning home from the diaspora;
- (f) Ensure that migrants abroad have adequate access to health-care services, including vaccinations, as is applicable to citizens in destination countries. In collaboration with other stakeholders, ensure that cultural, linguistic and other barriers do not prevent the access of migrants to such health care;
- (g) Provide health care for refugees and displaced persons who have entered Nigeria, especially women, children and the physically challenged, in camps or other places of abode, in collaboration with UNHCR, IOM, WHO, the Nigerian Red Cross Society, UNFPA and UNAIDS;
- (h) Establish a unit within the Ministry of Health to work with corresponding authorities in neighbouring countries on cross-border and migration-related health issues;
- (i) Ensure the establishment of well-equipped quarantine services and facilities at the various ports of entry, via land, sea and air.

4.8.3 Migration and education

The quality of human resources available in a country is to a very large extent determined by the quality of education, from elementary to university level, and in turn is a strong determinant of the economic development attainable by the country. Universities and institutions of higher learning form the bedrock for the training of the manpower of any nation. Hence, from independence to the 1970s, the Government of Nigeria gradually increased the budgetary allocation for all levels of education, which resulted in a larger quantity and better quality of graduates. However, the downturn in the economy from the mid-1970s resulted in a lower level of funding to the three levels of the education sector. The subsequent and ongoing closure of universities due to strike action has accelerated the emigration of Nigerian students. Thousands of Nigerian students have sought admission to universities abroad and then

stayed on to secure employment, thus depriving Nigeria of their skills and education. Between 60,000 and 80,000 Nigerian students are currently studying abroad. In 2007, there were about 25,000 Nigerians studying in the United Kingdom; in 2008, more than 10,000 new Nigerian students were granted visas to study in the that country. The renewed global competition for skilled migrants could further heighten the challenge of brain drain through student mobility.

Objectives

- (a) To address the challenges of Nigerians seeking higher education abroad, through improving educational standards at home, in order to reduce emigration and brain drain;
- (b) To document and update the educational attainment and training/ skills of Nigerian emigrants and immigrants and the implications of these for the country;
- (c) To ascertain skills loss from, and gain to, the country, and to determine the implications of these for the country;
- (d) To ascertain the nature and extent of the potential roles of the Nigerian diaspora regarding development work in the home country;
- (e) To design and adopt a scheme for the Nigerian diaspora to return periodically to the country for project-tied tasks, the improvement of education and training among the youth and the strengthening of capacity for greater participation in development activities.

Strategies

- (a) Invest in and improve infrastructure at all levels of education, in order to properly train and retrain quality professionals who will meet the manpower needs of the nation;
- (b) Review the remuneration packages of native and migrant teachers and lecturers to encourage their retention in Nigeria;
- (c) Comprehensively review bilateral agreements entered into with destination countries, to ensure that the host and home countries as well as the migrants themselves benefit from such agreements;

- (d) Establish a register or database of Nigerian professionals and students abroad and found diaspora branches of professional and student bodies already existing in Nigeria, to promote professional exchanges between Nigerians in the diaspora and their colleagues resident in the country, to share best practices and provide a foundation for the introduction of exchange programmes;
- (e) Strengthen the activities of the Technical Aid Corps and the NNVS so as to encourage more Nigerian professionals abroad to contribute their resources and skills to worthwhile ventures within Nigeria;
- (f) Encourage Nigerians in the diaspora, in conjunction with the private sector, individuals and Nigerian NGOs, to establish an education endowment fund that will be used to provide scholarships for the education of Nigerian students in critical areas of manpower shortage;
- (g) Conduct a survey of skills gaps for the Nigerian economy, to facilitate reforms in the educational sector;
- (h) Restructure the educational system in line with developmental needs in all areas of education, and promote in particular technical education;
- (i) Improve the overall environment and standard of all learning institutions in the country;
- (j) Develop programmes to retain migrants with strong educational qualities beneficial to the country.

4.8.4 Migration, environment and climate change

There is growing interest in the impact of climatic change and environmental degradation on global population distribution and human mobility, as more severe occurrences become widespread globally. The more drastic impacts of climate change (floods, storms, heat waves, ocean surge, desertification and so on) are likely to affect population distribution and mobility, forcing millions of people to move because they are not able to adapt to changes in the physical environment. In general, environmental factors may result in large population movements which may in turn affect the environment. In situations of famine or some other

major environmental disaster, rural populations may be compelled to move to urban areas in search of food and employment, or other means of livelihood.

Objectives

- (a) To ascertain migration-environmental and degradation-climate change interlinkages and how they affect the movement of persons and development in the country;
- (b) To strengthen capacities of national institutions involved in environmental management and climate change, cognisant of migration as both a cause and a consequence of environmental change.

Strategies

- (a) Forge close collaborations between NCFRMI and the Ministry of Environment in implementing pertinent intervention schemes so as to prevent and better manage the negative impact of environmental events on migration, and vice versa;
- (b) Conduct studies on the impact of migratory movements on the environment, and the relationship between the environment and migration;
- (c) Work closely with relevant national agencies, State governments, UNHCR and other international organizations to identify safe areas for the resettlement of IDPs, refugees and returnees from the diaspora, so as to ensure that the environment is well-protected from degradation through the periodic review of the impact of such resettlements on various ecosystems, and to encourage the implementation of environmental protection programmes;
- (d) Take appropriate steps to ensure that lands designated for use by refugees and IDPs have the approval of local host communities, so as to prevent conflict;
- (e) Enlighten the public on the adverse effect of the indiscriminate disposal of human refuse, particularly in or near water systems, and on the need to improve sanitation and maintain a clean environment;

- (f) Enhance national capacities for disaster risk reduction and response as well as national adaptation strategies.

4.8.5 Migration and trade

International trade is increasingly governed and influenced by the rules and regulations of the World Trade Organization, the ILO, and the regional agreements and actions of governments and NGOs. These provide the framework within which nations manufacture and trade goods, services and products. The issue of the movement of persons for trade in services is attaining increasing importance, as is the welfare of workers in the use of migrant labour, including that of underage children. These are issues that impact globally on migration and trade.

Objectives

- (a) To understand the nature and dimensions of the migration-trade nexus at national, regional and international levels;
- (b) To identify components of migration in relation to trade in goods and services;
- (c) To increase capacity to participate in the drawing up of regulations at regional and international levels, and provide market access for Nigerian emigrants;
- (d) To review international rules and regulations that affect migrants and their impact on trade in Nigeria;
- (e) To provide mechanisms for the social protection and rights of entrepreneurs.

Strategies

- (a) Recognize the relevance of short-term migration and the movement of persons in the context of trade of goods and services;
- (b) Strengthen cooperation between ECOWAS States, the AU and other regional economic communities on bilateral and multilateral bases in the area of migration and trade;

- (c) Collaborate with the Ministry of Labour and Productivity and NIS to put in place mechanisms that deal specifically with the temporary movement of persons – in the context of prevailing regional and international agreements;
- (d) Conduct training for officials of relevant stakeholder entities to improve their technical skills in issues of trade and migration interrelations;
- (e) Establish a mechanism for the smooth issuance of temporary visas and work permits to persons supplying services abroad;
- (f) Continue with the establishment of a secure environment for attracting foreign direct investment, so as to create jobs and boost growth of socioeconomic sectors, thereby reducing migration;
- (g) Give governmental priority to market access in its foreign policy.

4.8.6 Migration and gender

The feminization of migration has become a very critical issue that should be included in any national migration policy, especially since women now account for about half of all international migrants – as a result of increasing demand for services provided mostly by women, for example domestic work, nursing, teaching and sex work. Many of these women are vulnerable and often subjected to abusive conditions of work, especially those who are victims of trafficking, giving rise to an urgent need to protect their rights. Literature on international migration has long largely ignored both the gender causes and gender-specific experiences of migration. Therefore any national migration policy must have, as a core principle, a gender-sensitive and rights approach in handling migration and development issues.

Objectives

- (a) To explore migration-gender relationships in different sociocultural settings in Nigeria, with a special focus on women’s empowerment;
- (b) To design a scheme for detecting and containing irregular migration along gender lines, in particular the trafficking/smuggling of women and girls;

- (c) To make gender equality a core value in all issues and activities within the migration and development policy and its implementation strategy.

Strategies

- (a) Ensure, in conjunction with the Ministries for Women Affairs, Health, and Labour and Productivity, as well as the National Human Rights Commission and CSOs, that the peculiar needs of migrant women in the areas of health, human rights and labour rights are respected, thus integrating the gender perspective;
- (b) Reinforce the involvement of women in all areas of the nation's reform and development agenda on migration;
- (c) Work through NAPTIP and related security and governmental and non-governmental agencies to counter migrant trafficking and smuggling, as well as harsh working conditions that target and victimize migrant women;
- (d) Promote information campaigns aimed at raising awareness about the gender dimension of migration, in conjunction with policymakers, the NIS, NPF and other agencies involved in preventing irregular migration and in repatriating Nigerian citizens from countries where they have overstayed their welcome;
- (e) Establish a gender desk in NCFRMI.

4.8.7 Migration of children, adolescents and youth

In Nigeria, the youth face a number of challenges that make them soft targets for forced migration. Among these problems are: inadequate access to quality education, inadequate access to basic amenities, inadequate parental care, family disintegration, poverty, moral decadence in society, lack of appropriate role models, unemployment and underemployment, religious and cult fanaticism, and political manipulation.

An increasing number of children, adolescents and youth are migrating independently of their parents, while some migrate with the consent of their parents or guardians. Many of them are forced to migrate – children

in refugee camps, internally displaced or trafficked children – while others move in search of employment opportunities. This situation may worsen unless concerted efforts are made to educate youth about the dangers and risks involved in irregular external migration and in internal migration to urban areas, where living conditions are often worse than in the rural areas they initially fled from. In addition, sustainable opportunities for education and employment have to be provided for the youth to deter them from embarking on journeys to the unknown. This policy acknowledges the existence of a National Youth Policy, which is very comprehensive, and recommends that in developing programmes to discourage youth from irregular forms of migration and encouraging them to look inwards, the provisions of the Youth Policy must be taken into account. Youth migrants have very special needs – health care, education, shelter and protection from abuse, among others.

Objectives

- (a) To understand the relationship between and address the challenges arising from migration and the transitional age brackets of children, adolescents and youth;
- (b) To manage the effects of migration on children, adolescents and youth, with a view to preparing those in these transitional categories for roles as adults in the Nigerian society.

Strategies

- (a) Protect the rights of migrant children through the Child Rights Act, the corresponding state laws, other national laws and relevant international instruments, particularly the UN Convention on the Rights of the Child, the UN Convention Against Transnational Organized Crime and its two Protocols, the Palermo Trafficking Protocol and ILO Convention 182 on the Worst Forms of Child Labour;
- (b) Collaborate with the Federal Ministry of Education and its state counterparts and relevant stakeholders to ensure that migrant children are guaranteed the same rights to education, health care and shelter as other children in Nigeria are entitled to;

- (c) Work closely with the Ministry for Youth Affairs and other relevant agencies of government, and non-State actors, to ensure that the National Youth Policy and other relevant policies relating to children, adolescents and youths are properly linked;
- (d) Foster study exchange programmes for youths and students, especially within Africa, in order to enhance African integration;
- (e) Establish, in conjunction with the National Sports Commission and other relevant agencies, a special programme to support talented youths who wish to migrate abroad to develop their sports careers, and return to Nigeria to share the benefits of their experience;
- (f) Establish youth bureaus in all local governments, to produce baseline data on youths, provide information and act as contact points for job-seekers and employers, and ensure youths are given adequate opportunities to express their sporting and artistic talents;
- (g) Sensitize youths to the dangers of irregular migration, and work in close collaboration with airlines, ocean-going passenger vessels and major companies involved in land transportation, to sensitize them to the best means of identifying children and youth who are being trafficked or smuggled out of the country.

4.8.8 Migration of the elderly and persons living with disabilities

The prevailing belief that old people and persons living with disabilities (PLWDs) are generally immobile has changed. Forced migration due to conflict, poverty and environmental disasters is causing the old to move within and outside the nation in search of means of livelihood. The elderly are as vulnerable as the young are, and therefore need particular protection. This is also the case for PLWDs, who need special care.

Objectives

- (a) To pay special attention to the migration of the elderly, and people living with disabilities;

- (b) To design programmes for assessing and responding appropriately to the effects of migration on the elderly and PLWDs;
- (c) To design and adopt such programmes (see (b) above) for vulnerable groups among migrants and natives.

Strategies

- (a) Encourage all elderly migrants abroad to register with Nigerian missions there, so that their well-being can be monitored and their rights, such as regular payment of pensions, are protected;
- (b) Guarantee elderly migrants and natives in Nigeria adequate access to health care, shelter and other social services;
- (c) Ensure that the training and resettlement needs of the elderly and PLWDs are specially taken into account, and that every effort is made to reunite them with their families;
- (d) Cater for the special needs of the elderly and PLWDs during their movement in situations of forced displacement.

4.8.9 Migration, sensitization and advocacy

Migration discourse in the public domain is usually influenced by stereotypes and by biased electronic and print media stories on migrants – negative and sensationalized aspects of migration make it fastest to the headlines. Yet, if well-managed, migration can be immensely beneficial to the communities and countries of origin and destination, and to the migrants and their families. Intensive public education and sensitization is required to appropriately educate all spectrums of the society – policymakers, politicians, parents, youths and indeed all stakeholders – on the rules and regulations governing entry, residence and work, as well as the rights and obligations of migrants abroad. In particular, sustained advocacy is required to ensure that the content of this draft policy, the opportunities and challenges facing the country in respect of irregular migration, brain drain, remittances, female migration, diaspora engagement, and so on, are well-articulated and understood by all stakeholders, especially members of the FEC and their advisers, in order to facilitate smooth and timely adoption of the policy.

Objectives

- (a) To ensure wider dissemination of data on migration dynamics and configuration;
- (b) To provide a basis for the adoption, legislation and implementation of this policy.

Strategies

- (a) Conduct needs and capacity assessments of migration-related MDAs, CSOs, NGOs and advocacy groups, the media and the private sector;
- (b) Establish mechanisms for mobilizing resources for social and migration advocacy;
- (c) Expand advocacy on migration cross-cutting areas;
- (d) Mobilize relevant MDAs, CSOs, the media and the private sector to pursue awareness education to enhance public enlightenment of the policy.

5. MIGRATION AND INTERNATIONAL COOPERATION

(SEE ALSO SECTION 4.7.2)

The Nigerian Government will promote international and regional cooperation and seek to monitor and effectively implement relevant agreements and memorandums of understanding (MoUs). It will further negotiate and enter into bilateral agreements and MoUs with destination countries, with a view to maximizing migration benefits for national development.

The Government strongly discourages indiscriminate international recruitment from Nigeria, especially in sensitive sectors where this could have a negative impact on national development, such as health, education and engineering. The NMP is, however, designed to promote programmes, initiatives and interventions that would attract and facilitate investment in training or higher education programmes by governments of destination countries. The policy proposes increasing the transfer of skills and technology through mutually agreed terms and conditions and also promotes effective collaboration between Nigeria and destination countries in order to manage migration efficiently, and to reduce irregular exploitative migration. Efforts will be made to encourage other countries to respect and adhere to the relevant international agreements and instruments on migration. The Nigerian Government will make sure that other countries, especially the destination countries of Nigerian migrants, obey international standards and interventions governing migration.

Objectives

- (a) To compile and review existing bilateral agreements on migration, to optimize their benefits to nationals;
- (b) To enshrine adherence to international agreements and instruments on migration and ensure reciprocity by destination countries;
- (c) To encourage capacity-building of emigrants through retraining and upskilling programmes at destination;
- (d) To foster inter-State dialogue and intraregional cooperation on migration.

Strategies

- (a) Encourage and entrench bilateral and multilateral cooperation and collaboration on migration matters, based on subregional (e.g. ECOWAS-based), regional (AU) and international agreements;
- (b) Formalize dialogue and sharing of best practices with other countries, through educational institutions, civil society and the private sector, including training programmes in migration management and other forms of support;
- (c) Ensure inbuilt monitoring of the policy, with periodic review and evaluation, to enable it keep abreast of subregional, regional and global changes in migration in the context of regional cooperation and global solidarity;
- (d) Maintain an inventory of all migration-related international and regional instruments that Nigeria has signed and/or ratified, for the purpose of developing an action plan to domesticate them;
- (e) Ensure active participation in regional consultative processes, especially MIDWA and other similar processes.

6. MIGRATION DATA AND INFORMATION MANAGEMENT

6.1 Collection, collation, analysis and dissemination of national migration data

Accurate and up-to-date statistics are necessary for efficient and effective development planning. Some of the universally accepted methods of gathering such statistics are through national census, surveys, administrative records, and regularly updated birth and death registers. In Nigeria, the National Population Commission is charged with all population-related activities and programmes of government. In appreciation of data gaps and in line with global best practices, State and non-State actors, as well as international development partners, have developed a Migration Data Management Strategy Document to guide the governance and harmonization, including the collection, collation, processing, analysis and dissemination, of migration data in Nigeria.

Objectives

- (a) To collect, collate, analyse and publish the results of data-gathering on different types of internal and international migration;
- (b) To utilize the results analysed for reaching out to policymakers, diverse development-based organizations and development partners;
- (c) To develop a scheme to facilitate exchange of migration data with other ECOWAS Member States, and bilaterally with other countries and stakeholders;

- (d) To develop a national migration data system and mechanism which allows access to, utilization of, and sharing of generated migration data among all stakeholders.

Strategies

- (a) Periodically collect, analyse, publish and disseminate migration statistics in a regular and systematic manner so as to enhance development;
- (b) Establish within the NCFRMI a department charged with regularly updating migration data in collaboration with the National Population Commission and other stakeholders;
- (c) Ensure that migration data gathered is appropriately disaggregated to reflect gender, education, age, reason for departure or entry, nationality, occupation, length of stay or absence, address of migrant, primary country of residence and other relevant information;
- (d) Ensure prompt dissemination of migration data to State governments, local governments, the National Planning Commission and other relevant stakeholders involved in planning and implementing the Nigeria Vision 20:2020;
- (e) Provide modern ICT facilities for data collection, analysis and dissemination.

6.2 Regional migration data exchange

In order to strengthen the efficiency of all efforts at the national level to systematically collect and disseminate data, it is necessary for the collection, analysis and exchange of data to take place at the regional level. This is the basis for developing effective regional migration management policies and strengthening regional cooperation over these migration issues.

Objectives

- (a) To collect, collate, analyse and publish the results of data on different types of internal and international migration;
- (b) To develop a scheme whereby Nigeria will exchange migration data with other ECOWAS Member States, and bilaterally with other countries and stakeholders.

Strategies

- (a) Promote the exchange of migration-related information between the national statistical and population agencies of West African States, as well as their immigration services, as a matter of routine and in order to provide a solid basis for the understanding of migration trends and realities within the subregion and enhance the national security of Member States;
- (b) Collaborate with NEPAD in implementing the NEPAD Initiative, especially in its ICT aspect, to facilitate the collection and exchange of data;
- (c) Establish common regional data standards and other initiatives to strengthen regional efforts in the collection and analysis of information, to improve security and foster migration and regional integration;
- (d) Promote the exchange of information between authorities responsible for the management of data, borders and the fight against irregular migration and human trafficking;
- (e) Establish regional networks and events for the timely sharing of data and information, lessons learned, best practices and challenges, among others, and adopt common definitions such as those contained in the UN Recommendations on Statistics of International Migration;
- (f) Promote bilateral and multilateral opportunities for data harmonization.

7. FUNDING FOR MIGRATION MANAGEMENT

7.1 Funding

The Federal Government shall make adequate provision for the funding of all policies and programmes related to migration through the annual appropriation of monies. In addition, it shall be the policy of the Federal Government to encourage local and state governments to make provision for migration-related activities in their respective annual budgets. The Government acknowledges that civil society, the organized private sector, NGOs, international organizations and foreign nations all have a stake in the effective management of migration; therefore, the Government shall encourage support for all stakeholders through technical assistance, financial support and other material contributions to the successful implementation of this policy and of all migration-related activities in Nigeria. To this end, it is recommended that a trust fund for migration be established and that a board of trustees be appointed to be responsible for raising funds and for expending such funds in a judicious and transparent manner for the benefit of stranded migrants, to discourage irregular migration, disseminate information about all aspects of migration and other related purposes.

8. INSTITUTIONAL FRAMEWORKS FOR POLICY IMPLEMENTATION

The policy framework is a comprehensive, integrated and dynamic document in scope and content. It serves to provide the necessary guidelines and principles to assist the Government and other relevant stakeholders, to implement the strategies in accordance with national priorities and resources. Accordingly, MDAs and other relevant stakeholders shall implement the provisions of the Policy as appropriate.

8.1 Institutional setting

Effective coordination is key to the successful implementation of this policy. The challenge to be resolved in the governance of migration is linked to coordination, policy coherence and the development of synergies among MDAs. The setting up of TWGs has facilitated dialogue among MDAs and other national stakeholders and these agencies shall continually harmonize their activities to minimize overlap. Presently, several sectoral policies have been developed and some have been adopted.

The NMP is built on a framework that comprises initiatives motivated by the Government of Nigeria and its development partners. The national agencies involved in the formulation and implementation of the policy include, but are not limited to, the following MDAs:

- Federal Ministry of Education
- Federal Ministry of Finance
- Federal Ministry of Health
- Federal Ministry of Information

- Federal Ministry of Justice
- Federal Ministry of Labour and Productivity
- Federal Ministry of Women Affairs and Social Development
- Federal Ministry of Youth Development
- Ministry of Foreign Affairs
- Ministry of Interior
- Central Bank of Nigeria
- National Agency for the Prohibition of Traffic in Persons and Other Related Matters
- National Bureau of Statistics
- National Commission for Refugees, Migrants and Internally Displaced Persons
- National Planning Commission
- National Population Commission
- Nigeria Immigration Service
- Nigerian National Volunteer Service
- Office of the National Security Adviser and other relevant security agencies
- Nigeria Employers' Consultative Association
- Nigeria Labour Congress and Trade Union Congress

8.2 Migration governance structure

8.2.1 Four levels of coordination

The migration governance structure has four levels of coordination, namely:

- (a) **Ministerial committee:** The committee, also known as the Sector Policy review Committee (SPRC)/National Consultative Committee (NCC), is the highest level of coordination and consultation in all migration related matters. It is composed of ministers and heads of parastatals with migration-related mandates, chaired by the Attorney-General of the Federation and Minister of Justice and

co-chaired by the Supervising Minister for NCFRMI. The NCFRMI shall serve as the Secretariat.

- (b) **Technical working group (TWG):** The group is the second level of coordination and consultation in migration-related matters. It consists of representatives of State and non-State actors involved in operational activities related to migration and makes recommendations to the SPRC for approval. Its chair is the NCFRMI.
- (c) **Thematic groups:** There are five sectoral groups working on various thematic areas of migration, namely: (a) Standing Committee on Diaspora Matters (SCDM); (b) Labour Migration Working Group (LMWG); (c) Migration Data Management Working Group (MDMWG); (d) Forced Migration and Assisted Voluntary Return and Reintegration (FMAVRR); and (e) Stakeholders Forum on Border Management (SFBM). Each sectoral group has a lead agency with several agencies with a related mandate under it. The lead agency provides coordination and periodically reports to the TWG. The activities of each sectoral group is guided either by a sectoral policy (as in the case of the Labour Migration Policy) or by a strategic implementation document upon which an MoU is signed.
- (d) **State and non-State actors:** These are organizations whose activities are related and have an impact on migration. These actors operate at their individual institutional level and have migration desk officers who are members of their respective working groups as well as members of the TWG.

8.2.2 Roles of the thematic groups

- (a) **Standing Committee on Diaspora Matters (SCDM):** This thematic group focuses on issues relating to diaspora mobilization. The lead agency is the NNVS. It has developed its own sectoral policy known as the draft Policy on Diaspora matters. The draft policy provides that the MoFA would co-lead. Some issues relating to this group include diaspora contributions to national development, remittances and diaspora engagement (in the electoral process and other socioeconomic and political matters). Other key members include: the federal ministries of education, health, industry, trade and investment, interior, labour and productivity, and youth development; the Central Bank of Nigeria; the National University Commission; NIS; diaspora organizations and CSOs.
- (b) **Labour Migration Working Group:** The FMLP is the lead. The Ministry has developed a sectoral policy known as the Labour Migration Policy which has been approved by the FEC. The Policy focuses on expatriate quota, labour exchange and protection of migrant workers, among others. Key stakeholders include: the federal ministries of education, foreign affairs, health and interior; NIS; NNVS; social partners; and CSOs.
- (c) **Migration Data Management Working Group (MDMWG):** The NPopC is the lead supported by the National Bureau of Statistics. The Group has developed a document known as the Migration Data Management Strategy. Its main focus is the harmonization and management of migration data across relevant MDAs. Members of this group include the FMLP, NCFRMI, NIS and NNVS.
- (d) **Forced Migration and Assisted Voluntary Return and Reintegration (AVRR):** The NCFRMI is responsible for Forced Migration and leads in the development of an AVRR manual of operations. Members of this group include: the MoFA, NAPTIP, NIS and SMEDAN.

- (e) **Stakeholders Forum on Border Management:** NIS shall provide the lead with support from NAPTIP. The Forum is expected to focus on issues related to the ECOWAS Free Movement Protocol, border security, trafficking in persons, smuggling of migrants and related matters. Key members of this group include: the NPF and other relevant security agencies, as well as the Nigeria Custom Service, Ports Health Authority, border communities, NCFRMI and CSOs, among others.

8.3 Overarching framework for the coordination of migration activities

The NMP provides the overarching framework for the coordination of migration activities in Nigeria as follows:

- (a) The TWG is the platform upon which the activities of the various thematic/sectoral groups are coordinated, monitored and evaluated.
- (b) The NCFRMI is the chair of the TWG.
- (c) The Commission presents the recommendations of the TWG to the National Consultative Committee (NCC) as the Secretariat.
- (d) The NCC is envisaged to take the place of the SPRC as the overall migration policymaking organ of the Federal Government, and it is to be chaired by the Attorney-General of the Federation and Minister of Justice.
- (e) The various efforts being made in developing a coordination framework for migration activities are ongoing. The target is to achieve a complete system by 2015, paving the way for the mainstreaming of migration into the post-2015 development agenda.

ANNEX 1: GLOSSARY OF TERMS

Alien: see Illegal migrant.

Amnesty: A term usually used for the pardon of offences of a political or criminal nature. It can be defined as a legal guarantee that exempts a person or group of persons from liability for offences or irregularities committed.

Asylum: The grant, by a State, of protection on its territory to a person or persons from another State fleeing persecution or serious danger. Asylum is a specific form of protection.

Brain drain: The negative effects associated with the emigration of individuals whose skills are scarce in their country of origin. The term underlines negative effects, focusing on the loss of skills and human capital for countries of origin.

Brain gain: This term generally refers to the immigration of skilled individuals into a country resulting in a benefit to that country. It is also used in reference to the country of origin, in the case of the return of individuals who have gained skills abroad through temporary migration.

Brain circulation: The ongoing mobility of individuals with demanded skills. It usually implies a shared benefit, in contrast with the terms “brain drain” and “brain gain”.

Chain migration: A series of migratory movements in which people travel, in a step process (which may be spread over years), farther and farther away from their home area.

Circular migration: A relatively open form of temporary, and usually repetitive (hence “circular”), movement between home and host areas, usually to gain employment.

Citizenship: The status of a citizen derived from a legal bond with a State and/or a political community and further defined by a set of attendant duties, rights and privileges.

Clandestine migrant: see Illegal migrant.

Country of destination: The country that is a destination for migratory flows (legal or illegal).

Country of origin: The country that is a source of migratory flows (legal or illegal).

Country of transit: The country through which migratory flows (legal or illegal) move.

Diaspora: Populations outside their country of origin, usually sustaining ties and developing links both with the country of origin and across countries of settlement/residence.

Displacement: The forced removal of a person from his or her home or country, often due to armed conflict or natural disasters.

Dual/multiple citizenship: These terms refer to the status of an individual who is a citizen of two or more States.

Durable solutions: Any means by which the situation of refugees can be satisfactorily and permanently resolved.

Economic migrant: A migrant whose motive for migration is to seek economic opportunities.

Emigrant: see Migrant.

Environmentally displaced persons: Persons whose migration movement is of a forced nature and decisively induced by an environmental factor.

Family reunification/reunion: The process whereby family members separated through forced or voluntary migration regroup in a country other than their country of origin.

Feminization of migration: The growing participation of women in migration. Women now move around more independently and no longer in relation to their family position or under a man's authority.

Forced migration: A migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes.

Forced return: A return migration in which an element of coercion predominates.

Foreigner: A person belonging to, or owing an allegiance to, another state.

Freedom of movement: This right is made up of three basic elements: freedom of movement within the territory of a country (Article 13(1), Universal Declaration of Human Rights, 1948: “Everyone has the right to freedom of movement and residence within the borders of each state”); the right to leave any country, and the right to return to his or her own country (Article 13(2), Universal Declaration of Human Rights, 1948: “Everyone has the right to leave any country, including his own, and to return to his country”).

Frontier worker: A migrant worker who retains his or her habitual residence in a neighbouring State to which he or she normally returns every day or at least once a week.

Human trafficking: see Trafficking in persons.

Illegal migrant; alien; clandestine migrant: These terms are roughly equivalent in use, but blur the distinction between the person and his or her status.

Immigrant: see Migrant.

In-migration: see Internal migration.

Integration: The process by which immigrants become accepted into society, both as individuals and as groups.

Internal migration: The movement of population within a country. An in-migration area is an area into which movement takes place, and an outmigration area is one out of which movement takes place.

Internally displaced persons: Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, but who have not crossed any internationally recognized state border.

International migration: This term refers to immigration and emigration, which respectively denote moves into and out of countries. See also Migrant.

Irregular migrant: see Migrant with irregular status.

Labour migration: The movement of persons out of their home country, for the purpose of employment.

Legalization: see Regularization.

Local integration: A durable solution to the problem of refugees, involving their permanent settlement in a country of asylum, and with nationality of that country eventually being granted to them.

Migrant: A person undergoing a (semi-)permanent change of residence which involves a change of his or her social, economic and/or cultural environment. The terms emigrant and immigrant refer respectively to migrants from the perspective of the country of origin/departure and the country of destination/settlement.

Migrant stock: The number of migrants residing in a country at a particular point in time.

Migrant with irregular status: A person entering, travelling through or residing in a country without the legally necessary documents or permits. The term irregular migrant is also widely used.

Migrant worker: A person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a national (Article 2.1 of 1990 UN Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families). The Convention identifies several specific categories of migrant workers: mixed migrants, migrants with irregular status and clandestine migrants, among others.

Migration: The geographic movement of people across a specified boundary for the purpose of establishing a new permanent or semi-permanent residence.

Migration management: The governance of migration. This term is, however, sometimes used to refer to the narrow act of regulating cross-border movement at State level.

Mixed flows: Complex population movements including refugees, asylum-seekers, economic migrants and other migrants.

Mixed migration: Complex movements involving at the same time asylum-seekers, refugees, and other displaced persons, as well as migrants moving for different reasons and having different vulnerabilities and needs.

Multiple citizenship: see Dual citizenship.

Naturalization: The granting by a state of its nationality to an alien, through a formal act on the application of the individual concerned.

Non-refoulement: A principle laid down in the Geneva Convention Relating to the Status of Refugees, 1951, according to which “no Contracting State shall expel or return”.

Organized crime: Widespread criminal activities coordinated and controlled through a central syndicate.

Outmigration: see Internal migration.

Permanent residence: The right, granted by a host state to a non-national, to live and work there on a permanent (unlimited) basis.

Permit: Documentation, usually issued by a governmental authority, which allows something to exist or someone to perform certain acts or services.

Persecution: In the refugee context, a threat to life or freedom on account of race, religion, nationality, political opinion or membership of a particular social group.

Protection: All activities aimed at obtaining respect for individual rights in accordance with the letter and spirit of the relevant bodies of law.

Ratification: The formal “acceptance” or “approval” of a treaty by the legislative organ of a signatory State.

Readmission: The act by which a State accepts the re-entry or entry of an individual (own national, third-country national or stateless person), who has been found illegally entering or being present in another State.

Refoulement: The expulsion of a person in violation of the principle of non-refoulement, and therefore in breach of international refugee and human rights law.

Refugee – Convention refugee: A person who qualifies for refugee status under the criteria in Article 1A of the 1951 UN Refugee Convention.

Refugee – Mandate refugee: A person who is recognized as a refugee by the UNHCR acting under the authority of its Statute and relevant UN General Assembly resolutions.

Refugee – Statutory refugee: A person considered to be a refugee under the provisions of international instruments in force before the 1951 UN Refugee Convention.

Regularization: This term – also referred to as “legalization” – can apply to non-nationals or non-citizens who have resided in a country in an irregular situation for a certain length of time and are not otherwise found inadmissible.

Reintegration: The re-inclusion or re-incorporation of a person into a group or a process, e.g. of a migrant into the society of his or her country of origin.

Remittances: Earnings and material resources transferred by international migrants or refugees to recipients in their country of origin.

Resettlement: The transfer of refugees from the country in which they have sought refuge to another State that has agreed to admit them.

Returnee: A term used for a refugee or migrant who has returned to his or her country or community of origin.

Seasonal worker: A migrant worker whose work is, by its character, dependent on seasonal conditions and is performed during only part of the year.

Skilled migrant: A migrant worker who, because of his or her skills, is usually granted preferential treatment regarding admission to a host country (and is therefore subject to fewer restrictions regarding length of stay, change of employment and family reunification).

Smuggling: The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state of which the person is not a national or a permanent resident (Art. 3(a), UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime, 2000).

Social remittance: A term sometimes used as a synonym with social capital transfer. It refers to the ideas, practices, identities and social capital sent from a country of residence to a country of origin by individual migrants or by migrant communities.

Stateless person: A person who is not considered as a national by any State under the operation of its law, according to the 1954 UN Convention Relating to the Status of Stateless Persons.

Stranded migrant: A general term referring to a person unable to return to his or her previous country of residence or of origin, and is thus compelled to remain in a country of transit or destination/settlement.

Trafficking in persons/human trafficking: The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits, to achieve the result of a person having control over another person, for the purpose of exploitation. "Exploitation" shall include, at a minimum, the exploitation or prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime).

Transit: A stopover of passage, of varying length, while travelling between two or more countries, either incidental to continuous movement or for the purposes of changing mode or vehicle of transport.

Travel documents: A generic term used to encompass all documents which are acceptable proof of identity for the purpose of entering another country. Passports and visas are the most widely used forms of travel document, but identity cards or other documents may be accepted by some States.

Treaty: An international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments, and whatever its particular designation.

Visa: An endorsement by a consular officer in a passport or a certificate of identity that indicates that the officer, at the time of issuance, believes the holder to fall within a category of non-nationals who can be admitted under the laws of the State. A visa establishes the criteria of admission into a state.

Voluntary repatriation: Return of a refugee to the country of origin, based on his or her free will.

Working permit: A legal document giving the authorization required for the employment of a migrant worker in a host country.

Xenophobia: Attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity.

ANNEX 2: EXISTING NATIONAL LAWS ON MIGRATION IN NIGERIA

1. Immigration Act, 1963
2. NAPTIP Act, 2003, expanded in 2005
3. National Directorate of Employment Act
4. Factories Act
5. Employees' Compensation Act, 2011
6. Child's Rights Act, 2003
7. National Drug Law Enforcement Agency (NDLEA) Act
8. Labour Act, 2004.

ANNEX 3: RATIFICATION STATUS OF RELEVANT INTERNATIONAL INSTRUMENTS BY NIGERIA

Instruments	Ratification status/date
International human rights conventions	
International Covenant on Civil and Political Rights (ICCPR)	29 October 1993
International Covenant on Economic, Social and Cultural Rights (ICESCR)	29 October 1993
International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	13 July 1985
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	4 January 1969
International Convention on the Rights of the Child (CRC)	19 April 1991
Optional Protocol of the Convention on the Rights of the Child Involving Children in Armed Conflict	Signed on 8 September 2000
Optional Protocol of the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	Signed on 8 September 2000
International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	28 July 2001
International Convention on Persons with Disabilities (CPRD)	March 2009
International Convention on the Protection of All Migrant Workers and Members of their Families (ICMRW)	27 July 2009
Other related international conventions	
Slavery Convention and the Supplementary Convention on the Abolition of Slavery, Slave Trade, and Institutions and Practices Similar to Slavery	26 June 1961

Instruments	Ratification status/date
United Nations Convention against Transnational Organized Crime	28 June 2001
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime	28 June 2001
Protocol against the Smuggling of Migrants by Land, Air and Sea, Supplementary to the UN Convention	27 September 2001
1951 Geneva Convention Relating to the Status of Refugees	23 October 1967
1967 Protocol Relating to the Status of Refugees	2 May 1968
ILO Fundamental Conventions	
Convention No. 87 on the Right to Freedom of Association and the Right to Organize	17 December 1960
Convention No. 98 on the Right to Organize and Collective Bargaining	17 October 1960
Convention No. 29 on Forced Labour	17 October 1960
Convention No. 105 on Abolition of Forced Labour	17 October 1960
Convention No. 138 on Minimum Age	2 October 2002
Convention No. 182 on the Worst Forms of Child Labour	2 October 2002
Convention No. 100 on Equal Remuneration	8 May 1974
Convention No.111 on Discrimination in Employment and Occupation	2 October 2002
ILO Conventions Related to Labour Migration	
Convention No. 97 on Migration for Employment and its Recommendation No. 86	17 October 1960
Convention No. 143 Concerning Migration in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers and its Recommendation No.151	–
Convention No. 181 on Private Employment Agencies	–
Convention No. 118 on the Equality of Treatment (Social Security)	–
Convention No. 102 on Social Security (Minimum standards)	–
Convention No. 157 on the Maintenance of Social Security Rights and its Recommendation No. 167	–
Convention No. 19 on Equality of Treatment (Accident compensation)	17 October 1960

Instruments	Ratification status/date
Convention No. 121 on Employment Injury Benefits	–
Convention No. 128 on Invalidity, Old-Age and Survivors' Benefits	–
Convention No. 130 on Medical Care and Sickness Benefits	–
Convention No. 168 on Employment Promotion and Protection against Unemployment	–
Convention No. 183 on Maternity Protection	–
Convention on Maritime Labour	–

Source: Veerassamy, L. *Draft Report on the Comprehensive Legislative Review in Ghana, Nigeria, Senegal and Libya*, produced in the framework of the AENEAS document: “Facilitating a Coherent Migration Management Approach in Ghana, Nigeria, Senegal, and Libya by Promoting Legal Migration and Preventing Further Irregular Migration” (2009).



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